

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.159 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

Chandan Pandey Son of Rangji Pandey R/o vill - Basmanpur, P.S. - Sikraul,
Distt. - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Jyoti Kumari W/o Chandan Pandey, D/o Hari Charan Ram R/o vill - Punaon,
P.S. - Belaon, Distt. - Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav, Advocate

For the Respondent no.2 : Mr. Vinod Kumar Seth, Advocate

For the first wife Soni Kumari : Mr. Ashok Kumar Garg, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the parties.

2. This appeal has been filed for grant of bail to the appellant after setting aside the order dated 01.12.2023 passed in connection with SC/ST Bhabua P.S. Case 11 of 2023 whereby and whereunder cognizance has been taken under Sections 341, 323, 504, 506, 376, 419, 420 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/(w) 3(2)(v) of the SC/ST Act and prayer for bail of the appellant has been rejected by learned Special Court, Schedule Caste and Scheduled Tribe (prevention of Atrocities) Act, District Kaimur at Bhabua.

3. On perusal of the first information report, compromise petition and also impugned order dated 01.12.2023 passed by learned Special Court Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, District-Kaimur at Bhabua, it appears that the FIR registered on the basis of written report of informant-cum-victim under Sections 341, 323, 504,



506, 376, 419, 420 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)/(w) 3(2)(v) of the SC/ST Act against five named persons. Learned counsel for the informant appeared in the Court and petitioner live together and all matters are settled between them, compromise petition already filed before the trial Court and certified copy of that compromise petition annexed with this case. Learned counsel for the first wife Soni Kumari objected at extent to this contention and this averment in compromise petition dated 04.11.2023 for Soni Kumari is first wife and she has entitled all right of benefit of legal wedded wife. Victim has no right as a wife and averments made in compromise petition is not acceptable as per law.

Considering the aforesaid facts and circumstances, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, District Kaimur at Bhabua.in SC/ST Bhabua P.S. Case No. 11 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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