

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1214 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Hariom Sharma S/o- Nagendra Sharma village- shripur gahar PS- Hathauri,
Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Smt. Soni Kumari wife of Hariom Sharma Village- Ghandhi Park Railway Colony Marg-1, Samastipur Q.NO-L/29, Ps- Town Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 04-02-2025 1. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.
2. An order, dated 16.12.2023, passed by learned Special Judge SC/ST (POA) Act, Samastipur, in ABP No. 4177 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with C. R. No. 216 of 2022 registered for the offence punishable under Sections 376/313/493/494/420/323/341/504/34 of the Indian Penal Code and Sections 3(1)(r) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.



3. The prosecution case, as per the First Information Report, is that the appellant performed marriage on 18.01.2022 with the complainant/respondent no. 2 and abused her by taking her caste name and abandoned the complainant/respondent no. 2 and solemnized second marriage. It has further been alleged that the appellant forcefully aborted the complainant's child.
4. Learned counsel for the appellant submits that there was love relationship between the appellant and the complainant. After sometime there was dispute and both the parties agreed to discontinue their friendship, for which an agreement was executed between them on 16.07.2022. He further submits that provisions of SC/ST Act is not attracted against him because the appellant has not abused in public place. He next submits that the present complaint has been lodged in order to pressurize the appellant to enter into the relationship with the complainant.
5. No one appears on behalf of the respondent no. 2.
6. I have heard learned counsel for the appellant and learned Special Public Prosecutor and perused the materials available on records including the impugned order.



7. From the materials available on records, it appears that Special Court has taken cognizance against the appellant under Sections 313/494/341/504 of the Indian Penal Code and under Sections 3(1)(r)/31(s) of the Scheduled Cast and Scheduled Tribe Act and after finding prima facie case against the appellant and in view of the decision of the Supreme Court, in the case of **Bachu Das v. The State of Bihar and Others**, reported in (2014) 3 SCC 471, this appeal, for grant of anticipatory bail, is not maintainable.
8. This appeal is, accordingly, dismissed and the order, dated 16.12.2023, passed by learned Special Judge, SC/ST (POA) Act, Samastipur, in ABP No. 4177 of 2023, is hereby allowed.
9. However, if the appellant surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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