

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2006 of 2023**

Arising Out of PS. Case No.-9 Year-2022 Thana- SAMASTIPUR District- Samastipur

1. PUSHPAM BHARTI @ PRAFUL KUMAR son of Baidyanath Prasad
2. Baidyanath Prasad Bharti @ Baidyanath Bharti son of Late Janki Sah
3. Priyanka Gupta @ Priyanka Kumari D/o- Baidyanath Prasad
All are R/o Mohalla- Gudri Bazar ward no-21, Ps- Samastipur Town Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi wife of Late Purushottam Bharti R/o Mohalla- Gudri Bazar ward no-20, ps- Samastipur town dist- Samastipur D/o Shrawan Paswan, Presently Residing at village- Musepur Ps- Kalyanpur Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Niraj Lochan Jha, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

11 15-04-2025 Heard Mr.Niraj Lochan Jha, learned counsel for the appellants, learned counsel for respondent No.2 and Mr.Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 10.04.2023 in A.B.P. No.1123 of 2023 passed by the learned Special Judge SC/ST Act, Samastipur in connection with Samastipur Town P.S.Case No. 09 of 2022, dated 10.01.2022 registered under Sections 323,342,354,406,498(A)



of the Indian Penal Code as well as under Sections 3(1)(r)(s)(j) of the Scheduled Castes and Scheduled Tribes Act.

3. Brief facts of the prosecution case is that on 06.03.2012 informant was married with son of appellant Baidyanath Prasad Bharti namely Puroshottam Bharti as per hindu rites out of which two sons and one daughter are born. At the time of marriage for ornaments and other articles Rupees 1,50,000/- in cash were given to Puroshottam Bharti. After marriage informant went to her matrimonial home and lived for sometime. After sometime quarrel started between appellants and informant and her husband and they separated the informant's husband from family. Appellants alongwith co-accused pressurized informant's husband to ousted Dusadin ie informant from house. On 21.06.2020 appellants alongwith criminals murdered the husband of informant by conspiracy and burnt his dead body. After murder of husband of informant, appellants threatened her to bring Rupees one lakh from her parents otherwise she will not be kept as a daughter-in-law, who belongs to Dusadin Caste and on refusal appellants alongwith co-accused assaulted the informant. On 05.01.2021 at about 4:00 PM appellants abused the informant by her caste name and ousted her alongwith her children from matrimonial home.



4. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The informant is daughter-in-law of appellant No.2 and sister-in-law of appellant Nos.1 and 3 and she has filed the false case against the appellants. In fact the son of appellant has performed the marriage with the informant and after sometime the son of appellant No.2 has died. Thereafter, the informant has demanded her share in the property and due to this reason the present false case has been instituted against the appellants and apart from that, as per allegation in the FIR, although the present occurrence had taken place in the house of the informant so no case is made out under the SC/ST Act against the appellants because the appellants have not abused the informant in public view and it appears from the FIR itself that there is no specific allegation of any assault, overt-act or demand of dowry attributed against the appellants rather there is general and omnibus allegation against all the accused persons including the appellants and appellant No.1 is brother-in-law and appellant No.3 is sister-in-law of the informant.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants.



6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, there is no specific allegation of any assault, overt-act or demand of dowry attributed against the appellants and the present occurrence had taken place not in public view so no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Samastipur in connection Samastipur Town P.S. Case No. 09 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and with other following conditions:-

(I) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(II) If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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