

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4250 of 2023

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHILA P.S. District- Madhepura

-
1. KHUSHI KUMARI Daughter of Brij Mohan Das Resident of Village-Rajhat, Police Station-Banmankhi, District-Purnea.
 2. RAKESH KUMAR Son of Brij Mohan Das Resident of Village-Rajhat, Police Station-Banmankhi, District-Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. BHARTI KUMARI Daughter of Arun Paswan Permanent resident of Village-Digghi Itahari, P.S.-Murliganj, District-Madhepura. At present residing in a rented room at Mahaula near Bhirkhi Railway dhala, Police Station and District-Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Nilendu Kumar Choudhary, learned counsel for the appellants as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. The learned Court below has informed the Respondent No.2 about the present case, despite that no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 03.08.2023 passed by the learned Court of Additional District and Sessions Judge-I-cum-Special Judge, Madhepura in



connection with Mahila P.S. Case No. 16 of 2020, F.I.R. dated 03.03.2020 registered under Sections 498(A), 341, 323, 504, 34 of Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and Sections 3(i)(xi) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that she was subjected to torture and harassment by the petitioners due to non-fulfillment of demand of dowry.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case merely on the basis that appellant no.1 is sister-in-law(*nanad*) and appellant no.2 is brother-in-law(*devar*) of the informant. It appears from the FIR that although appellants are named in the FIR but there is no specific allegation of assault or overt act or demand of dowry against them rather the allegation levelled against them are general and omnibus. The alleged occurrence took place in the house of the informant (matrimonial house) which is not a public place, so no case is made out under SC/ST Act.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that appellants are named in the FIR and they have



demanded dowry from the family member of the informant and apart from that they have also abused the informant.

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

7. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is no specific allegation of assault or overt act against them and the alleged occurrence took place in the house of the informant (matrimonial house) which is not a public place so no case is made out under SC/ST Act, let the appellants, above named, in the event of their arrest to 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) with two surities of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-I-cum-Special Judge, Madhepura in connection with Mahila P.S. Case No. 16 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 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 tampers 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)

Suruchi/-

U		T	
---	--	---	--

