

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4288 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Durganand Jha @ Rajvir Jha son of Rajendra Jha Village- Basudeopur, Po-
Sundarpur Bira, Ps- LNMU, Dist- Darbhanga

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Mohit Kumar Son of Sri Jitendra Ram Village- Mufti Mohalla Ward no. 21
J.P. Chowk, Ps- Town, Dist- Darbhanga, The Brother of Deceased informant
kumari Ashtha Daughter of Shri Jitendra Ram, Wife of Durganand jha @
Rajvir Jha

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Padmanabh Kashyap, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For informant	:	Mrs. Shama Sinha, Advocate
		Mr. Vijayansh Prataop Singh, Advocate
		Mr. Surya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-12-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 28.06.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 498 – A and 34 of IPC, sections 3 and 4 of D.P. Act and sections 3(i)(r)(s), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case, in brief, is that informant namely, Kumari Aastha alleged that appellant who is husband



of the informant along with other co-accused persons inflicted cruelty upon informant (deceased) for bringing insufficient dowry and also abused her by caste name and ultimately , ousted her from her matrimonial house .

4. It is submitted that from bare perusal of F.I.R., it is apparent that it was love cum inter-caste marriage between this appellant and informant and as such, there was no occasion for this appellant to demand dowry. The present F.I.R. is malicious counter blast of Matrimonial Case No. 270 of 2023 dated 08.11.2023 which was lodged by appellant and in retaliation, the present case has been lodged by informant after lapse of 2 months of the aforesaid divorce case . It is further submitted that there is no material to suggest that the offence was committed solely on the ground that the informant belongs to Schedule caste and Schedule tribes and as such , no case under SC / ST Act is made out against appellant.

5 . Learned counsel for the respondent No. 2 as well as learned special Public Prosecutor for the State opposed the bail appeal

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of



eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Judge – SC / ST (POA) , Act, Darbhanga in connection with L N M University Police Station Case No. 57 of 2024 .

(Prabhat Kumar Singh, J)

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