

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4533 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- SC/ST District- Kishanganj

1. SUKHDEV LAL SINGH @ SUKHDEV DAS SON OF LATE AMI LAL RESIDENTS OF VILLAGE - BARIJAN, PS- KOCHADHAMAN, DISTT- KISHANGANJ
2. GAYATRI DEVI @ RADHA DEVI WIFE OF SUKHDEV LAL SINGH @ SUKHDEV DAS RESIDENTS OF VILLAGE - BARIJAN, PS- KOCHADHAMAN, DISTT- KISHANGANJ
3. MANGLU KUMAR SINHA @ AVAY KUMAR SINHA @ ABHAY KUMAR SON OF SUKHDEV LAL SINGH @ SUKHDEV DAS RESIDENTS OF VILLAGE - BARIJAN, PS- KOCHADHAMAN, DISTT- KISHANGANJ
4. SUMI DEVI WIFE OF RATAN LAL SINHA RESIDENTS OF VILLAGE - BIRNIYA, PS- BAHADURGANJ, DIST- KISHANGANJ
5. YATRI DEVI WIFE OF LATE LALIT PRASAD RESIDENTS OF VILLAGE - BARIJAN KASHIBARI, PS- KOCHADHAMAN, DISTT- KISHANGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. GEETA DEVI DAUGHTER OF PREM LAL RESIDENTS OF VILLAGE - CHIKABARI WARD NO. 3, PS- BAHADURGANJ, DISTT- KISHANGANJ

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Heard Mr. Rajeev Ranjan, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State.

2. Despite valid service of notice upon Respondent No.2, no one appears 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 01.09.2023 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, Kishanganj in connection Kishanganj(SC/ST) P.S. Case No. 07 of 2023, dated 06.07.2023 registered under Sections 498A, 376, 504, 506/34 of the Indian Penal Code and Sections 3(i)(w)/3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

4. According to the prosecution case, appellants ousted the informant from her matrimonial house because she belonged to Hanri caste.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that although the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that there is specific allegation against co-accused, namely, Budharu Lal Sinha alias Amit Lal Sinha and his brother-in-law and there is no specific allegation against these appellants and they have been made accused merely on the ground that appellants are in-laws of the informant and in view of the averments made in the FIR no offence under the provisions of Scheduled Castes and Scheduled



Tribes Act is made out. Appellant no.1 is father-in-law, appellant no.2 is father-in-law, appellant no.3 is brother-in-law, appellant no.4 is family member of appellant no.1 and appellant no.5 is mother of appellant no.2.

6. 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 with the common intention, they kick out the informant from her matrimonial house.

7. 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.

8. Considering the aforesaid facts, there is no specific allegation against the appellants and appellants have clean antecedent, 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st-cum-Special Judge, Kishanganj in connection Kishanganj(SC/ST) P.S. Case No. 07 of 2023, 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 bonds 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds 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.

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

(Rajesh Kumar Verma, J)

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