

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4650 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- DARBHANGA District- Darbhanga

Durganand Jha @ Rajvir Jha S/O Rajendra Jha R/O Village- Basudeopur, P.O-
Sundarpur Bira, P.S- L.N.M.U., Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohit Kumar S/O Shri Jitendra Ram R/O Mufti Mohalla, Ward No.-21, J.P.
Chowk, P.S- Town, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rana Vikram Singh, Advocate Mr. Padmanabh Kashyap, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2025 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
01.08.2024 passed by learned Exclusive Judge, SC/ST (POA)
Act, Darbhanga in ABP No. 24 of 2024 arising out of
Darbhanga Town P.S. Case No. 82 of 2024, registered under
Sections 306/34 of the Indian Penal Code and Section 3(1)(r)(s),
3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, whereby the prayer for anticipatory bail of
appellant has been rejected.



4. As per prosecution case, love marriage of the sister of informant was solemnized with this appellant in the year 2017 and thereafter it is alleged that in-laws of the sister of informant refused to accept her as she belonged to SC/ST category. Informant alleges that when he went to the house of this appellant to resolve the issue, he was also abused by caste name. It is further alleged that due to aforesaid incidents sister of the informant went into severe depression and subsequently, she committed suicide.

5. Learned counsel for the appellant submits that the present F.I.R is malicious counter blast of divorce case which was filed by the appellant in the Court of Principal Judge, Family Court, Darbhanga bearing Matrimonial (Divorce) Case No. 270 of 2023 on 08.11.2023 which is pending for consideration before the Principal Judge, Family Court, Darbhanga. He further submits that appellant was not living with the deceased and marriage between the deceased and appellant took place at Patna in the year 2017. Appellant was not residing with the deceased at the parental house of the deceased as he was not willing to reside in his Matrimonial house. Therefore, when he failed to pursue the deceased to come to her matrimonial house, the appellant disappeared from his



Matrimonial house which is admitted position in the F.I.R. as well. Despite best efforts, deceased did not come to her matrimonial house. Deceased has also filed case bearing LNM University PS Case No. 57 of 2024 on 17.02.2024, out of frustration and depression and she committed suicide at her parental house and appellant has falsely been implicated in this case by the informant, who is brother of the deceased. Police after investigation submitted final form under Section 306 and 34 of IPC. There is no allegation that this appellant in any manner played any active role, leading the deceased to commit suicide. There is no other material on record to suggest that the conduct of this appellant drove the deceased to commit suicide. Moreover, it is not the case of informant that this appellant abused informant by caste name, as such, no case under SC/ST Act is made out against the appellant.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Judge, SC/ST (POA) Act, Darbhanga in ABP No. 24 of 2024
arising out of Darbhanga Town P.S. Case No. 82 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 01.08.2024 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

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