

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4947 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- COMPLAINT CASE District- Supaul

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1. Surendra Yadav S/O Amaldat Yadav R/O Village- Balwa Punarwas (Ward No.-1), P.S- Supaul, Distt.- Supaul.
 2. Punam Devi W/O Surendra Yadav R/O Village- Balwa Punarwas (Ward No.-1), P.S- Supaul, Distt.- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Kumari W/O Saurabh Kumar Yadav, D/O Lakshmi Ram R/O Village- Balwa Punarwas (Ward No.-1), P.S- Supaul, Distt.- Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-04-2026 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The learned counsel for the appellants submits that respondent no.2 despite receiving notice chooses not to appear and contest the case.

3. The appellants have challenged the order dated 02.09.2024 passed by the learned Additional Sessions Judge-1st, Supaul in connection with ABP No.763 of 2024 arising out of SC/ST Complaint Case No.17 of 2023, instituted for the offences under Sections 498A of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes



(Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that she was married to Saurav and the accused persons after marriage started demanding Rs.3 Lacs and threatened that if demand is not met, Saurav's second marriage would be performed. Further, the dispute was resolved by Supaul Mahila Police Station, but accused persons again started demanding dowry. It is next alleged that all accused persons on 18.02.2022 abused her by taking caste name and ousted her from her matrimonial home and Saurav was married to Sonali.

5. The learned counsel for the appellants next submits that Saurav has also moved this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.28 of 2025 and the said appeal was taken up by a learned Coordinate Bench on 22.01.2025 and Cr. Appeal (SJ) No.28 of 2025 was directed to be listed along with the instant appeal, but then, only the instant appeal has been listed. The learned counsel appearing on behalf of the appellants submits that the dispute is matrimonial and the appellants are father in-law and mother in-law of the informant and in Cr.



Appeal (SJ) No.28 of 2025, the husband is appellant and the yardstick for considering anticipatory bail application of the instant appellants would be different from the yardstick to be adopted in Cr. Appeal (SJ) No.28 of 2025.

6. After hearing the learned counsel for the appellants, the Court takes up the instant appeal for hearing on merits.

7. The learned counsel appearing on behalf of the appellants submits that appellants being father in-law and mother in-law have been falsely implicated in the instant case by the informant. It is also submitted that allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that appellants are persons with clean antecedent but then informant in the FIR alleges that earlier the dispute was resolved by Supaul P.S. but then no dispute ever was brought before the Supaul P.S. to the knowledge of the appellants. It is further submitted that as far as allegation of abuse by taking caste name is alleged, the same is general and omnibus in nature. It is next submitted that even presuming what has been alleged to be true without admitting with regard to abuse, then the abuse was not hurled in public place rather the informant alleges that she was ousted from her matrimonial



home and was abused. It is also submitted that whenever any dispute arises in between the husband and the wife, the entire family members are implicated in a mechanical manner with general and omnibus allegation. It is also submitted that this perhaps explains why the respondent no.2 despite receiving notice chooses not to appear and contest.

8. The learned Special P.P. opposes the appeal.

9. Regard being had to the aforesaid submissions, the order dated 02.09.2024 is set-aside.

10. The appeal stands allowed.

11. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Supaul in connection with ABP No.763 of 2024 arising out of SC/ST Complaint Case No.17 of 2023, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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