

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (S.J.) No. 258 of 2021**

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1. Rabindra Vishwakarma @ Rabindra Kumar Vishwakarma
  2. Arvind Vishwakarma @ Arvind Kumar Vishwakarma
  3. Jitendra Vishwakarma @ Jitendra Kumar
  4. Subham Vishwakarma @ Subham Kumar
  5. Parash Vishwakarma @ Parash Pranin
  6. Bimal Devi @ Kumari Doli Soni @ Kumari Doli Rani.... Appellants
- Versus
1. The State of Jharkhand
  2. Jyoti Kumari .... Respondents

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**CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Appellants : Mr. Pratiush Lala, Adv.  
For the State : Ms. Anuradha Sahay, A.P.P.  
For the Respondent No.2 : Mr. P.K.Mukhopadhyay, Adv.

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The matter was taken up through Video Conferencing. Learned counsel for the parties had no objection with it and submitted that the audio and video qualities are good.

02/06.09.2021 The present application has been filed under Section 14(A)(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

Heard learned counsel for the appellants and learned counsel for the State as well as learned counsel for the respondent No.2-the victim.

This criminal appeal has been filed against the order dated 28.06.2021 passed by the court of learned District & Additional Sessions Judge-VI-cum- Spl. Judge SC/ST, Dhanbad rejected the anticipatory bail of the appellants in A.B.P. No.933 of 2021 arising out of SC/ST Case No.31 of 2021 in connection with Govindpur P.S. Case No.123 of 2021, for the offence under Sections 376(1)/ 341/ 342/ 323/ 504/34 of the Indian Penal Code and Section 3 (1)(xii) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellants has submitted that the son of appellant No.1, namely, Rahul Vishwakarma having love affair with the alleged victim girl and committed rape upon her and he has been arrested and presently he is in the jail. The present appellants are *father, mother, mausa, mausi* etc. They all have been booked in the present criminal litigation on the ground that since there was love affair and there was sexual relationship and as such, panchayati was called for. In the panchayati, these appellants have not agreed for marriage rather abused the family members of the victim girl by taking their caste name. It has been further submitted that this F.I.R. is nothing but a tactics to pressurize the family members of the boy for the purpose of marriage. It has been further submitted that mandate of Section 18 of the SC/ST Act will not be applicable as this allegation is *prima facie* false and further it is a case of misuse of the provision of SC/ST (PoA) Act.

On the other hand, learned A.P.P and learned counsel for the victim have opposed the prayer for bail and argued that there is direct and specific allegation against these appellants for assaulting and abusing the victim and her family members during the panchayati.

Having heard learned counsel for the parties. From perusal of records, it appears that the son of appellant No.1 was in relationship with the victim and there was a dispute between the boy and girl and on refusal for marriage, a panchayati was held. It further appears that family members of the boy were not ready for the said marriage and due to this, the present litigation has been lodged.

In the attending facts and circumstance of the present case, I am inclined to grant the privilege of anticipatory bail to the appellants. Accordingly, the appellants are directed to surrender in the court below within four weeks from the date of receipt/ production of the copy of this order and in the event of their arrest or surrender, they shall be enlarged on bail, on their furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned District & Addl. Sessions Judge-VI, cum Spl. Judge SC/ST, Dhanbad in connection with Govindpur P.S. Case No.123 of 2021 on the conditions as laid down under Section 438(2) Cr.P.C., subject to condition that the appellants will submit self-attested photocopy of their Aadhar Card and also submit their mobile number before the learned court below which they will always keep active and will not change it during pendency of this case without prior permission of the court.

Accordingly, instant criminal appeal is allowed.

**(Rajesh Kumar, J.)**