

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4839 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Purnia

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1. Arvind Kumar Pathak Son Of Shivanand Pathak Resident Of Hansda Colony, City Road, Gulab Bagh, P.S.- Sadar, District - Purnia.
  2. Pushplata Devi Wife of Arvind Kumar Pathak Resident of Hansda Colony, City Road, Gulab Bagh, P.S.- Sadar, District - Purnia.
  3. Ashish Kumar Pathak @ Raja Pathak Son of Arvind Kumar Pathak Resident of Hansda Colony, City Road, Gulab Bagh, P.S.- Sadar, District - Purnia.

... .. Appellants

Versus

1. The State of Bihar
2. Mamta Kumari Daughter of Sahdeo Paswan Resident of Imli Tola, gulab Bagh Ward No.- 37, P.S.- Sadar, District - Purnia.

... .. Respondents

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**Appearance :**

For the Appellant/s : Mr.Radha Mohan Singh  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      03-08-2022                      Heard learned counsel for the appellants, State and the informant.

The present appeal is directed against the order dated 23.11.2021 passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Purnea in a case registered for the offence punishable under Sections 376, 498A/34 and other allied sections of the Indian Penal Code and Section 3 (i) (r) (s) and 3 (ii)(va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

The allegation against the appellants as per the First Information Report is that these petitioners abused the



informant by calling her caste name and they also assaulted her and did not accept her as their daughter-in-law.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case because of being family members of Anjani Kumar who is alleged to have made physical relation with the informant on the pretext of marriage. Thrust of allegation is against co-accused Anjani Kumar. No offence under SC/ST Act is made out against these appellants as they are alleged to have abused the informant in the house and not in the public view.

Learned counsel for the state and the informant on the other hand oppose the prayer for bail and submit that the appellants are named in the FIR.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 23.11.2021, is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge I cum Special Judge, SC/ST  
Act, Purnea in Mahioa Police Station Case No. 55 of 2021.

**(Prabhat Kumar Singh, J)**

shashi/-

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