

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.535 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- KOCHAS District- Rohtas

Atish Kumar @ Atish Kumar Gupta S/O Nirmal Kanu @ Nirmal Kumar Gupta @ Nirmal Sah R/O Village - Kochas, P.S- Kochas , District- Rohtas.

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Nisha Kumari D/O Vikrama Paswan R/O Village- Dadao, P.S- Dinara, Distt.- Rohtas.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5363 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- KOCHAS District- Rohtas

- 1. Nirmal Kanu @ Nirmal Kumar Gupta @ Nirmal Sah Son of Rajnath Kanu Resident of Village-Kochas, P.S. Kochas, District-Rohtas
- 2. Sanju Devi Wife of Nirmal Kanu @Nirmal Kumar Gupta @ Nirmal Sah Resident of Village-Kochas, P.S. Kochas, District-Rohtas
- 3. Manish Kumar @ Manish Kumar Gupta Son of Nirmal Kanu @ Nirmal Kumar Gupta @ Nirmal Sah Resident of Village-Kochas, P.S. Kochas, District-Rohtas

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Nisha Kumari D/O Vikrama Paswan Resident of village-Dadao, P.S. Dinara, District-Rohtas

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 535 of 2025)

For the Appellant/s : Mr. Devendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

(In CRIMINAL APPEAL (SJ) No. 5363 of 2024)

For the Appellant/s : Mr. Devendra Kumar, Advocate

For the State : Mr. Sadanand Paswan, Spl. P.P.

For the Informant : Ms. Deepshikha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025

CR. APP. (SJ) No. 535 of 2025

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order



dated 13.01.2025, passed by the learned Additional Sessions Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram, in connection with Kochas P.S. Case No. 229 of 2024, registered for the offences under Sections 85, 89 and 3(5) of the B.N.S, 2023 and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellant was rejected.

3. As per the prosecution case, the informant was married to the appellant, Atish Kumar, and the other co-accused are his family members. It is further alleged that the appellant, Atish Kumar, deserted her after abusing her by taking her caste name.

4. Learned counsel for the appellant submits that he has falsely been implicated in this case. It is also contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant.

5. Learned counsel for the State has vehemently opposed the prayer for anticipatory bail.

6. From a plain reading of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground of her belonging to the S.C./S.T. community.



7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 13.01.2025, passed by the learned Additional Sessions Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram, in connection with Kochas P.S. Case No. 229 of 2024, is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram/ concerned court below, in connection with Kochas P.S. Case No. 229 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

CR. APP. (SJ) No. 5363 of 2024

10. This appeal has been preferred against the order dated 19.09.2024, passed by the learned Additional Sessions



Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram, in connection with Kochas P.S. Case No. 229 of 2024, registered for the offences under Sections 85, 89 and 3(5) of the B.N.S, 2023 and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellants was rejected.

11. As per the prosecution case, the informant was married to the appellant, Atish Kumar, and the other co-accused are his family members. It is further alleged that the appellant, Atish Kumar, deserted her after abusing her by taking her caste name.

12. Learned counsel for the appellants submits that they have falsely been implicated in this case. It is also contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants.

13. Learned counsel for the State has vehemently opposed the prayer for anticipatory bail.

14. From a plain reading of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground of her belonging to the S.C./S.T. community.

15. In these circumstances, this application for grant



of anticipatory bail is held to be maintainable.

16. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 19.09.2024, passed by the learned Additional Sessions Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram, in connection with Kochas P.S. Case No. 229 of 2024, is hereby set aside.

17. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-17-Cum-Special Judge, S.C./S.T., Rohtas at Sasaram/ concerned court below, in connection with Kochas P.S. Case No. 229 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sandeep Kumar, J)

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