

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.534 of 2025**

Arising Out of PS. Case No.-133 Year-2024 Thana- KAUWAKOL District- Nawada

Sumit Kumar S/o- Sanjay Mahton R/o Village- Darawan PS - Kawakole  
(Kawakol) Dist- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi W/o- Dilip Paswan R/o Village- Darawan PS - Kawakole  
(Kawakol) Dist- Nawada

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Arjun Prasad, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      11-09-2025                      1. Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.12.2024 in A.B.P. No. 3037 of 2024 passed by the Exclusive Special Court S.C./S.T. (POA) Act, Nawada in connection with Kawakole (Kawakol) P.S. Case No. 133 of 2024 registered under Sections 363 and 365/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that from perusal of the office report dated 01.09.2025, it would manifest that the same records that notice has returned



unserved as the house of the respondent no. 2 was found locked.

4. Learned counsel for the appellant submits that respondent no. 2 deliberately chose not to receive the notice.

5. In view of the submissions made by the learned counsel appearing on behalf of the appellant, the notice is deemed to be validly served.

6. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that her daughter aged about 19 years along with the appellant was missing from the village. Accordingly, the informant went to the house of the appellant when the father of the appellant informed her that her daughter will come after one month. Thereafter, on 20.04.2024, the informant along with her family members again went to the house of the appellant when Sanjay Mahto, Ajay Mahto, Dharmendra Mahto and Sanjay Kumar abused her by taking caste name.

7. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that daughter of the informant was in love with the appellant and they eloped. It is next submitted that both appellant and the victim are major and they performed their marriage. It is also submitted that the victim came back and her statement was recorded under Section 183 of the BNSS



wherein she has not supported the case of the prosecution rather has stated that she willingly went with the appellant and they have performed their marriage. Learned counsel submits that this perhaps explains why the respondent no. 2 is evading the notice.

8. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

9. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Satyavrat Verma, J)**

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