

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.880 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- MAHILA P.S. District- Vaishali

Shubham Kumar Keshari @ Subham Kumar S/o Dablu Keshari Resident of
Village- Fulhara Bazar, P.S.- Sadar Hajipur, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari D/o Late Ramanand Das Resident of Village- Chandpura
Chakmakran, Ward No.1, P.S.- Bidupur, District- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr. Manoj Kumar, learned counsel for the
appellant, Mr. Mrityunjay Kumar, learned counsel for the
respondent No. 2 and Ms. Usha Kumari 1, learned Spl.P.P. for
the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
12.01.2024 passed by the learned Exclusive Special Court
(SC/ST Act)-cum-Additional District & Sessions Judge, Vaishali
at Hajipur in connection with Mahila P.S. Case No. 34 of 2023,
F.I.R. dated 25.11.2023 registered under Sections 376, 504, 506,
34 of the Indian Penal Code, Sections 3(1)(r)(s)(w)(i), 3(2)(v) of
the Scheduled Castes and Scheduled Tribes Act and Sections ¾



of DP Act.

3. According to the prosecution case, co-accused Bipin Kumar established physical relations with the informant on the false pretext of marriage. It is further alleged the appellant, who is the friend of co-accused Bipin Kumar, abused the informant using her caste name.

4. Learned counsel for the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. In fact, the appellant is friend of the co-accused Bipin Kumar and the main allegation is against co-accused person, namely, Bipin Kumar as alleged in the FIR. Apart from that, it appears from the FIR that the date of occurrence is 06.10.2023, but the present FIR has been instituted on 25.11.2023, after delay of about more than one month, without giving any explanation of delay which suggests that afterthought only to falsely implicate the appellant in the present case. Learned counsel for the appellant further submits that the victim in her statement under Section 164 Cr.P.C./Section 183 of the BNSS, 2023, she has not stated anything about the appellant.



5. Learned counsel for respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, the victim has not stated anything about the appellant in her statement under Section 164 Cr.P.C./Section 183 of the BNSS, 2023 and it appear from the FIR that there is no specific allegation against the appellant, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum- Exclusive Special Court (SC/ST Act), Vaishali at Hajipur in connection with Mahila P.S. Case No. 34 of 2023 (ABP No. 3428 of 2023), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-



i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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