

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.901 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- BARHARA District- Bhojpur

Sanny Kumar @ Rahul S/O Late Bhuneshwar Sah R/O Village- Saraiya, P.S-
Barahara (Krishnagarh), Distt.- Bhojpur (Ara).

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Kumari D/O Surendra Chaudhary R/O Vill- Saraiya, P.S- Barhar
(krishnagarh OP), Distt.- Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Mr. Diwakar, Advocate
		Ms. Priya Kumari, Advocate
		Mr. Deepak Kumar, Advocate
		Mr. Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Brij Bihari Tiwari, learned counsel for the
appellant, Mr. Diwakar, 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
15.01.2024 passed by the learned 1st Additional Session Judge-
cum-Special Judge SC/ST Act, Bhojpur (Ara) in connection
with Barhara P.S. Case No. 559 of 2023 (ABP No. 3340 of



2023), F.I.R. dated 24.09.2023 registered under Sections 376, 313, 315, 506 of the Indian Penal Code and Sections 3(2)(vs) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, appellant established physical relation with the informant and when she become pregnant and made pressure to marry the appellant, then appellant assaulted and abused the informant.

4. Learned counsel for the appellant submits that appellant has clean antecedent. He is innocent and has falsely been 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 informant had already married with one Kanhaiya Chaudhary, S/o Yugeshwar Chaudhary, Village- Repura, P.S. Sandesh, District- Bhojpur. Although the appellant fell in love with the informant, the informant has not disclosed the appellant that she has already married and the appellant had performed the marriage with the informant and when the appellant had come to know that she has already married with one Kanhaiya Chaudhary, then the informant pressurized the appellant and his family members for settlement of dispute and when the appellant did not agree, then she filed the present FIR. In fact,



the informant want the share in the family of the appellant and when the appellant refused for that, informant has filed the false case against the appellant and his family members.

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 and submits that the appellant has misused the informant and apart from that, on the false pretext of marriage, he has also purchased an LIC policy in the name of the informant. Learned counsel for respondent No. 2 further submits that she was ousted from the house 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 that the appellant has clean antecedent and the present case has been filed after delay of three years, 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 1st Additional Session Judge-cum-Special



Judge SC/ST Act, Bhojpur at Ara in connection with Barhara P.S. Case No. 559 of 2023 (ABP No. 3340 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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