

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.969 of 2024

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

Ajit Kumar S/o- Sharvan Sah Village- Kashipur Ps- Rajapakar Bidupur
Baranti OP Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari D/o- Late Ramanand Das Village- Chanpura Chakmakrand
W.No-1, Ps- Bidupur Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 24-09-2025 Heard learned counsel for the appellant and learned
Special P.P. Ms. Usha Kumari No.1.

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 Judge (SC/ST Act), 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 3/4 of DP Act.

3. Learned counsel for the appellant submits that the notice on behalf of the respondent no.2 was received by her Bhabhi and in support of the same a jointness application has been filed as such notice is deemed to be validly served. It is



next submitted that appellant is a person with clean antecedent and the informant alleges that for the last 3 years she was in a physical relationship with Bipin as he had promised to marry her. It is next alleged that on 06.10.2023, informant requested Bipin to marry her when his friend Shubham and appellant abused in filthy language by using caste name. It is next alleged that after sometime informant got an information that Bipin is getting married, accordingly, she came to the house of Bipin, where his family members demanded dowry of Rs.3,00,000/- and a motorcycle and accused Shubham threatened her.

4. Learned counsel appearing on behalf of the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant was in relationship with Bipin and appellant being brother of Bipin has been falsely implicated in the instant case in order to coerce Bipin into submission. It is further submitted that even presuming what has been alleged is true without admitting then the occurrence is not alleged to have taken place in public view. It is next submitted that both Bipin and the informant are major and they were in a consensual relationship and when the relationship soured, the present false



case came to be instituted. It is next submitted that the date of occurrence is 06.10.2023 and the FIR came to be instituted on 25.11.2023 i.e. after a delay of more than 50 days which also casts an aspersion on the case of the prosecution.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below 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 court below 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.

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

(Satyavrat Verma, J)

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