

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2263 of 2025

Arising Out of PS. Case No.-164 Year-2025 Thana- MUFFASIL District- Aurangabad

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1. Munar devi Wife of Upendra yadav Residents of village Renaria P.S-Muffasil District Aurangabad
 2. Manju Devi Wife of Baliram Yadav Residents of village Khaira P.S-Amas District Gaya
 3. Upendra Yadav Son of Satya Narayan Yadav Residents of village Renaria P.S-Muffasil District Aurangabad
 4. Bikram Kumar Son of Upendra Yadav Residents of village Renaria P.S-Muffasil District Aurangabad
 5. Baliram yadav Son of Raja Yadav Residents of village Khaira P.S-Amas , District Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pooja Kumari D/O Ram Uchit Ram Residents of village Pouthu, P.S-Pouthu District Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamendra Prasad Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For Respondent No.2	:	Mr. Sachina, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-11-2025 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 08.05.2025, passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST, NDPS & Children Act), Aurangabad (Bihar) in connection with



Aurangabad Muffasil P.S. Case No.164 of 2025, F.I.R. dated 02.05.2025 registered under Sections 126(2), 115(2), 352, 69 and 3(5) of B.N.S., 2023 as well as Sections 3(I)(r)(s) and 3(2) (Va) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the first information report is that one Sanu Kumar had been talking with the informant since three years and also developed physical relation with her on the pretext of marriage but later refused to marry her and other family members abused the informant by hurling caste based words.

4. Learned counsel for the appellants, at the outset, submits that the allegation of entering into physical relation on false pretext of marriage is specifically made against co-accused Sanu Kumar and so far as the present appellants are concerned, they have been made accused only on account of the relationship with Sanu Kumar with ornamental allegations under the SC/ST Act for increasing the seriousness and gravity of the offence. In any view of the matter, the abuses, if at all hurled, has been done within the confines of the house thus, the provisions of SC/ST Act would not get attracted. It has also been submitted that the first information report has been lodged after a delay of about 20 days after due thought and deliberation



with concocted allegations.

5. Learned Special P.P. and learned counsel appearing on behalf of respondent no.2 vehemently oppose the grant of anticipatory bail on the basis of allegations made in the first information report as also the materials collected during the course of investigation.

6. It *prima facie* appears that the occurrence has not taken place in public view and hence the provisions of the SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering that specific allegation of entering into physical relationship is upon co-accused, Sanu Kumar and there are ornamental allegations against these appellants which do not seem to be attracted coupled with the fact that there is delay of about 20 days in lodging the first information report, let appellants, above named, in the event of their 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 each of them bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge, 1st-cum-Special Judge (SC/ST,



NDPS & Children Act), Aurangabad (Bihar) in connection with
Aurangabad Muffasil P.S. Case No.164 of 2025, subject to the
conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Soni Shrivastava, J)

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