

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3072 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- GOPALPUR District- Gopalganj

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1. Nipu Kumari @ Nipu Devi Wife of Shivam Tiwari @ Shivam Kumar Tivari
D/o Prabhunath Dubey R/o Village-Rampur Mukund, P.S.- Vishambharpur,
District- Gopalganj, A/P R/o Village- Sapaha, P.S.- Gopalpur, District-
Gopalganj
2. Prabhunath Dubey Son of Late Rajendra Dubey A/P R/o Village- Sapaha,
P.S.- Gopalpur, District- Gopalganj
- Appellant/s
- Versus
1. The State of Bihar
2. Vashishtha Baitha Son of Late Dahari Baitha R/o Village- Sapaha, P.S.-
Gopalpur, District- Gopalganj
- Respondent/s
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Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 24-12-2025 1. Heard learned counsel for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.
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 06.05.2024 in A.B.P. No. 1033 of 2024 passed by the learned 11th Additional Sessions Judge-cum-Exclusive Special Judge SC/ST Act, Gopalganj in connection with Gopalpur P.S. Case No. 38 of 2024 registered under Sections



363 and 366 of the Indian Penal Code as well as Sections 3(1), 3(2), 3, and 3(IV) of the SC/ST Act.

3. The Station House Officer, Gopalpur and the Investigating Officer of the case, in compliance of the order dated 18.12.2025, are present in the Court.

4. Learned Special Public Prosecutor for the State, based on instruction, submits that the victim has been recovered and her statement under Section 183 BNSS has been recorded wherein she has not supported the case of the prosecution. It is further submitted that the victim has performed her marriage with Sumit Dubey and they are leading a peaceful conjugal life.

5. At this stage, learned counsel appearing on behalf of the appellants submits that appellants are sister and father of Sumit Dubey and they have been falsely implicated in the instant case by the informant.

6. Learned counsel appearing on behalf of the informant is not in a position to rebut the submissions made by the learned Special Public Prosecutor for the State.

7. Considering the submissions aforesaid, let the appellants, above named, in the event of their 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 bonds of Rs.5,000/- (rupees five thousand) each 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.

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

9. The personal appearance of the Station House Officer, Gopalpur and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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