

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3175 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- SAHPUR District- Patna

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- 1 . GANESH KUMAR Son of Vishwanath Pandey Resident of Village - Sabajpura, P.S.- Phulwarisharif, Dist.- Patna
 2. Chandan pandey @ Chandan Kumar Son of Vishwanath Pandey Resident of Village - Sabajpura, P.S.- Phulwarisharif, Dist.- Patna
 - 3 . Kundan Pandey Son of Vishwanath Pandey Resident of Village - Sabajpura, P.S.- Phulwarisharif, Dist.- Patna
 4. Priyanka Devi wife of Ganesh Kumar Resident of Village - Sabajpura, P.S.- Phulwarisharif, Dist.- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Shekhar Sharma, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 09-10-2025 Heard learned counsel for the parties. Despite valid service of notice , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 06.07.2022 passed in a case registered for the offence punishable under sections 498 A , 504, 506 and 34 of I.P.C. and 3(1)(r) (s) (w) , 3 (2) (va) of SC/ST Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , informant namely , Twinkle kumari alleged that she got married to one Prince Kumar on



10.08.2020 and started living together as husband and wife . On 16.07.2021 , when informant went to inquire regarding another marriage of her husband, then all the accused persons including these appellants abused her by caste name and assaulted her and also threatened her with dire consequences. It is further alleged that Prince Kumar absconded with his second wife namely , Priyanandani.

4. It is submitted on behalf of appellants that appellant No. 1 is father-in -law and appellants Nos. 2 and 3 are uncle of husband of informant, Appellant No. 4 is mother-in -law of informant. They are simply victim of over implications. They are separate in mess and property and has got no concern with the affairs of informant and her husband. As a matter of fact, on 11.08.2020, informant, her father and brother kidnapped son of appellant No. 1 namely, Prince Kumar and they forcibly solemnized marriage of Prince Kumar with informant in temple of Saguna More and at the relevant time , the age of Prince Kumar was about 16 years and for the same , appellant No. 1 had lodged a complaint case No. 2134 (C) / 2020, under section 364 and 363 of IPC against informant and her family members and other five unknown persons, in the Court of learned CJM Patna on 18.08.2020. The present case has been filed by



informant side only view a view to save their skin from the aforesaid case . Allegation of abuse by caste name and assault is general and omnibus. It is not the case of the informant that any member of public was present at the time of incident, and as such, no case under SC/ST Act is made out.

5 . Learned special public prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive special Court, SC / ST Act Patna in connection with Shahpur SC/ST Police Station Case No. 335 of 2021.

(Prabhat Kumar Singh, J)

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