

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3260 of 2025**

Arising Out of PS. Case No.-39 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabhua)

Pankaj Sharma @ Pankaj Kumar Sharma S/o Sunil Sharma @ Jokhan Sharma
R/o vill - Samahuta, P.S.- Mohania, Distt.- Kaimur (Bhabhua)

... .. Appellant/s

Versus

1. The State of Bihar

2. [REDACTED] R/o vill - Samahuta, P.S.-
Mohania, Distt.- Kaimur (Bhabhua)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Varun Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

3 24-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

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 23.07.2025 in A.B.P. No. 1436 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kaimur at Bhabhua in connection with Mahila (Bhabhua) P.S. Case No. 39 of 2025 registered for the offences punishable under Sections 64, 352, 351(2) & 3(5) of the BNS as well as Sections 3(i)(dha), 3(i)(da), 3(1)(w) & 3(2)v of the SC/ST Act.

3. The case of the prosecution in short is that the respondent developed friendship with the appellant in year 2018 and after that they got physical. It is further alleged that the



appellant established physical relationship on the false promise of marriage. It is alleged that the appellant was in Delhi. He called the respondent there and she went there. The appellant established physical relationship with the respondent at Delhi as well. On false promise of marriage, on 06.05.2025 the appellant called the respondent with all her valuables and it is alleged that he took all the valuables and after that he has not received the call of the respondent.

4. Learned counsel for the appellant submits that from perusal of the annexure-2 it will transpire that the respondent was married in the year 2013 and she has filed a case against her husband, Amar Chaudhary. It has also been submitted that after this case also, the respondent has fled with someone and when she was recovered, her statement was recorded under Section 183 of the BNSS and she was handed over to her sister. It has been submitted that the respondent is still living with her sister. It has further been submitted that from perusal of the complaint case it is clear that she was subjected to cruelty on account of non-fulfilment of dowry demand and her in-laws demanded valuables and cash. Learned counsel for the appellant has submitted that if she was not having the valuables and cash, what was she carrying with her to Delhi. Learned counsel for the appellant has submitted that the respondent is already married



and the allegations are mere concoction. As far as the allegation of abusing her with caste name is concerned, that is not against the appellant.

5. Learned Spl. P.P. for the State opposes the appeal.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 23.07.2025 in A.B.P. No. 1436 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kaimur at Bhabhua in connection with Mahila (Bhabhua) P.S. Case No. 39 of 2025 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila (Bhabhua) P.S. Case No. 39 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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