

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4131 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

Shiv Shankar Singh S/o Ramvinod Singh R/o Village- Kothra, P.S.- Hayaghat,
District- Darbhanga

... .. Appellants

Versus

1. The State of Bihar.
2. Shilpi Kumari D/o Umesh Paswan R/o Sosuth Mandiri, Near Kathpul, P.S.-
Kotwali, District- Patna, H/o Hathua Pathsala, H/o Pradeep Permanent-
Dautpur, P.S.- Ven , District- Nalanda

... .. Respondents

Appearance :

For the Appellant/s : Mr.Kameshwar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. Notice has validly been served on refusal to
the opposite party no.2(complainant).

3. This appeal is preferred against the order
dated 10.07.2024 passed by the learned Exclusive Special
Judge, S.C./S.T. Act, Patna, in connection with Complaint Case
No.34(c) of 2023 registered for the offence under sections 498-
A and 504 of the Indian Penal Code and under sections 3(i)(r)(s)
of the S.C./ S.T. Act, by which the prayer of the appellant for
grant of bail has been rejected.

4. Allegation against the appellant is of



torturing the complaint after the marriage.

5. Learned counsel for the appellants submits that the dispute is over the purchase of assets of a beauty parlor and because of that the present *mala fide* prosecution has been filed by the complainant. He further submits that appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out and consequently, this application for anticipatory bail is maintainable. Furthermore, there is not even a whisper of allegation to make out a case under section 498-A and 504 of the Indian Penal Code.

6. Learned counsel for the State has opposed the prayer of the appellants for grant of bail.

7. I have considered the submissions of the parties and perused the materials on record.

8. From reading of the F.I.R. it does not appear that the offence has been committed against the complainant on the ground that she is a member of S.C./S.T. community and the allegations made in the complaint petition appears to be a dispute between the husband and wife. Therefore, this anticipatory bail application is held to be maintainable.

9. Having considered the submission of learned counsel for the appellant and also the allegation made in



the complaint petition, this application is allowed. Accordingly, the impugned order dated 10.07.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Patna, in connection with Complaint Case No. 34(c) of 2023 is hereby set aside.

10. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on 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 Exclusive Special Judge, S.C./S.T. Act, Patna, in connection with Complaint Case No.34(c) of the 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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