

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4529 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SC/ST District- Purnia

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1. Arvind Pathak @ Arvind Kumar Pathak Son of Late Shivanand Pathak Resident of Hansda Colony, City Road, P.S. - Sadar, District - Purnea
 2. Pushplata Devi Wife of Arvind Pathak @ Arvind Kumar Pathak Resident of Hansda Colony, City Road, P.S. - Sadar, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari Daughter of Shahdeo Paswan Resident of Imli Tola, Gulzarbagh, Ward No.37, P.S. - Sadar, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-09-2025 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant, Mr. Indradeo Prasad.

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 21.08.2024 in A.B.P. No. 75 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Purnea in connection with SC/ST P.S. Case No. 38 of 2024 registered for the offences punishable under Sections 341, 342, 323, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r) and



3(1)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants have antecedent of one case, but then the same case was also instituted by the present informant. It is next submitted that informant alleges that on 03.09.2021, son of the appellants namely Anjani Kumar Pathak solemnized marriage with her at *Aashta* temple and on the same day left her on some false pretext, for which Mahila P.S. Case No. 55 of 2021 was instituted, it is next alleged that on 25.05.2024 at around 07:00 AM while informant was on her way to the temple along with his sister-in-law (Bhabhi) when appellant no. 1 and his son started abusing both of them by taking their caste name, it is next alleged that on 14.06.2024 while informant was going to see a patient when the appellants stopped her near their house and pressurized to withdraw the earlier case, on which she objected, thereafter they forcefully took her inside their house at 10:00 AM and confined her in the house till 01:00 PM and thereafter abused her, but then police came and informant was taken to hospital

4. Learned counsel for the appellants submits that appellants, being parents of Anjani, have been falsely implicated in the instant case by the informant. It is next submitted that



earlier also the informant had implicated them in a criminal case, it is next submitted that the date of occurrence is 14.06.2024 and the instant FIR came to be instituted on 19.06.2024 i.e. after a delay of five days. It is further submitted that prior to institution of the instant FIR, the appellant no. 1 had filed an informatory petition in the Court of learned CJM, bringing to his notice that on 14.06.2024 the informant had entered his house in his absence and was threatening his wife that she will consume poison and they will be implicated in a case of murder, on which police was informed and thereafter police took her away. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that there is no allegation of assault, but then the informant alleges that police came and took her to hospital where she was admitted, but then there is no injury report on record. It is next submitted that even presuming what has been alleged to be true without admitting then in the nature of allegation, *prima facie* no offence under the SC/ST is made out, as the entire allegation of abuse has been alleged within the confines of the house of the informant.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer



for anticipatory bail of the appellants, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that the occurrence did not take place in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 21.08.2024 in A.B.P. No. 75 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Purnea in connection with SC/ST P.S. Case No. 38 of 2024, **is hereby set aside** and the appellants above-named, in the event of their 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. 5,000/- (Rupees Five Thousand) each 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 SC/ST P.S. Case No. 38 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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