

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4874 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- DIDARGANJ District- Patna

Mukesh Kumar @ Mukesh Singh Son of Shyam Nandan Singh Resident of village- Kasara , Police Station- Didarganj, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabuja Devi D/O Chandeshwar Ram Resident of village- Kasara , Police Station- Didarganj, District- Patna

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Awadhesh Kumar, Advocate
For the State	:	N o n e
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-07-2025 Heard learned counsel appearing for the appellant.

2. No one appears on behalf of the State or informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 19.09.2024 passed in a case registered for the offence punishable under Sections 85, 126(2), 115(2), 352, 76, 351(2) and 3(5) of the B.N.S. and Sections 3(1)(r)(s)(z) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per prosecution case, informant, namely Sabuja Devi, alleged that on 11.07.2024 her husband, namely Akhilesh



Singh, physically assaulted her and used caste slurs. It is further alleged that all the F.I.R. named accused persons, including this appellant, demanded dowry and threatened to kill the informant if she did not bring Rs. 1,00,000/- as dowry.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case merely because she happens to be brother of co-accused Akhilesh Singh. Appellant is victim of over implication. There is no allegation that this appellant abused the informant by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant is separate in mess and property and has got no concern with the affairs of the informant and her husband. Appellant claims clean antecedents.

6. Considering the facts and circumstances of the case, nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 19.09.2024 passed by the learned Exclusive Special Judge, SC/ST Court, Patna in connection with A.B.P. No. 3611 of 2024 arising out of Didarganj P.S. Case No. 241 of 2024 is hereby set aside with respect to this appellant only.



7. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Court, Patna in connection with Didarganj P.S. Case No. 241 of 2024.

(Prabhat Kumar Singh, J)

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