

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4931 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- VAISHALI District- Vaishali

-
1. Upendra Thakur Son of shivnarayan Thakur R/o -Village- Sain, P.S.- Vaishali, (Belsar O.P.), District -Vaishali
 2. Abhishek Kumar Son of Upendra Thakur R/o -Village- Sain, P.S.- Vaishali, (Belsar O.P.), District -Vaishali
 3. Saraswati Devi Wife of Upendra Thakur R/o -Village- Sain, P.S.- Vaishali, (Belsar O.P.), District -Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Akhiliesh Ram R/o -Village- Sain, P.S.- Belsar O.P., District -Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Avinash Kumar Pandey, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. PP
For the Resp. No.2	:	Dr. Bipin Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-11-2025 Heard Mr. Avinash Kumar Pandey, learned counsel

for the appellant and Dr. Bipin Chandra, learned counsel

representing the respondent no.2 as also learned Special Public

Prosecutor, representing the State.

2. The present appeal has been preferred for setting
aside the order dated 06.07.2024 passed by the learned
Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in
A.B.P. No.1421/2024 in connection with Vaishali (Belsar O.P)
P.S. Case No.123 of 2024 registered for the offence punishable
under section 341, 323, 504, 34, 498(A) of the Indian Penal



Code and section 3(1)(s), 3(1)(r) of SC/ST (POA) Act whereby the anticipatory bail petition filed by the appellants have been rejected.

3. As per the prosecution story, the informant alleged that Vikash Kumar firstly raped her and later assured of marrying her. Thereafter, they continued their physical relationship and later he also married the lady in a temple. However, the present appellants after taking caste name, not only threatened her of dire consequences, she has been thrown out. This led to the F.I.R.

4. Learned counsel for the appellants submit that only because Vikash Kumar is son of appellant no.1, got implicated. While appellant Suresh Thakur has already been arrested and his prayer stands withdrawn, appellant no.2 and 3 are brother and mother respectively of Vikash Kumar. Further, none have criminal antecedents and they have no role to play in the matter.

5. Learned counsel representing the respondent no.2 opposes the prayer submits that when the rape took place, all the family members assembled and requested the informant not to proceed further and she will be accepted as daughter-in-law but later, when Vikash Kumar married her, threatening of dire consequences and she was thrown out.



6. Considering the submissions of the parties, prima facie the Act is not attracted, none of the appellants have criminal antecedent, main allegation is against Vikash Kumar, they are family members, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. The order dated 06.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in A.B.P. No.1421/2024 in connection with Vaishali (Belsar O.P) P.S. Case No.123 of 2024 is set aside and the appeal stands allowed.

8. Let the appellants be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur, in connection with Vaishali (Belsar O.P) P.S. Case No.123 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

