

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5129 of 2024**

Arising Out of PS. Case No.-97 Year-2024 Thana- GAMAHARIYA District- Madhepura

Ashish Kumar Son of Manoj Kumar Singh @ Manoj Singh Resident of Dular,  
P.S.- Ganhariya, Distt.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Prinyanka Kumari D/O- Nunulal Ram Resident of Jaluwar, Ward no. 8, P.S.-  
Ganhariya, Distt.- Madhepura

... .. Respondent/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Appellant    | : | Mr. Alok Kumar Alok, Advocate      |
| For the State        | : | Ms. Usha Kumari 1, , Spl.PP        |
| For Respondent No. 2 | : | Mr. Upendra Prasad, Advocate       |
|                      |   | Ms. Veena Kumari Jaiswal, Advocate |
|                      |   | Mr. Rajiv Ranjan, Advocate         |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      07-03-2025                      Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 23.09.2024, passed in a case registered for the offence punishable under Sections 341, 323, 494, 420, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(w) 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.

3. As per the prosecution case, informant, namely Priyanka Kumari, alleges that her love marriage was solemnized with this petitioner in the year 2022 and both families accepted



their inter-caste marriage and later on, informant's father gave Rs. 2,50,000/- cash and other ornaments. It is alleged that in January, 2024, while informant was at her parental house, her in-laws informed her that there is no need to come back and they are going to solemnize marriage of this petitioner with someone else. Thereafter, on 06.05.2024, informant came to know that her husband has got married with another lady.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. As a matter of fact, the informant is residing at her parental house on her own sweet will. Petitioner has not performed second marriage at any point of time. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellant claims clean antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances



of the case, this appeal is allowed and the impugned order dated 23.09.2024 passed by the Court of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Madhepura in connection with A.B.P. No. 1257 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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act (POA), Madhepura in connection with Gamahariya P.S. Case No. 97 of 2024.

**(Prabhat Kumar Singh, J)**

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