

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5294 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- DORIGANJ District- Saran

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1. Sudama Rai Son of Late Mulk Raj Rai Resident of village- Khwaspur Kala, Police Station- Doriganj, District- Saran
 2. Nitish Kumar Son of Sudama Rai Resident of village- Khwaspur Kala, Police Station- Doriganj, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Harendra Kumar Ram Son of Late Shiv Nath Ram Resident of village- Ismailpur, Police Station- Doriganj, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Mili Kumari, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-11-2025 None appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 12.09.2024 passed by learned SC/ST Exclusive Special Judge, Saran at Chapra in ABP No. 3240 of 2024 arising out of Doriganj P.S. Case No. 199 of 2024 registered under Sections 126(2), 115(2), 352, 85, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(1)(va), 3(1)(द), 3(1)(घ) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



4. Prosecution case, in brief, is that daughter of informant solemnized marriage with appellant no. 2 on 15.06.2024 out of love but all the F.I.R. named accused persons did not want to keep her in the family because she belongs to SC/ST category despite best efforts of the informant.

5. Learned counsel for the appellants submits that appellant no. 1 is father-in-law and appellant no. 2 is husband of the daughter of informant. As a matter of fact, family members of appellant no. 2 did not want to keep the daughter of informant in the family but both appellant no. 2 and his wife are major and are free to live separately. There is no allegation of abuse by caste name and as such, no case under SC/ST Act is made out against the appellants. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Saran at Chapra in



connection with Doriganj P.S. Case No. 199 of 2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 12.09.2024 is set aside with respect to
these appellants only.

(Prabhat Kumar Singh, J)

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