

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5315 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- ASANWA District- Siwan

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1. Sonamati Devi, Son of Om Prakash Bhagat @ Om Prakash, Resident Of Village- Balua Mathiya, P.S.- Darauli, Dist.- Siwan.
 2. Om Prakash Bhagat @ Om Prakash, Son of Laxman Bhagat Resident Of Village- Balua Mathiya, P.S.- Darauli, Dist.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Hari Kishore Manjhi R/O Vill.- Maniya, P.S.- Asaon, Dist.- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-11-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel for the appellants and Mr. Binay Krishna, learned Special P.P. for the State.

2. The instant appeal has been preferred by the appellants under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act'), for setting aside the order dated 01.10.2024 passed by the Court of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, in Anticipatory Bail Petition No. 2240 of 2024 arising out of



Asaon P.S. Case No. 82 of 2024, registered for the offences punishable under Sections 137, 96, and 3(5) of the Bharatiya Nyaya Sanhita (in short, 'BNS'), and later on, Sections 3(1)(w) (ii) and 3(2)(v) of the SC/ST Act were also added, by which the appellants' prayer for anticipatory bail has been rejected.

3. The main submissions advanced by the appellants' counsel are that the allegations levelled in the FIR are totally false, the informant's daughter, who is said to be the victim, has recorded her own statement before the Judicial Magistrate and denied the allegations completely, rather accepted her love affair with the appellants' son, and also revealed that she had solemnized marriage with him in a temple, and in this regard, a statement has been made in this petition in paragraph no. 9. It is further submitted that the appellants have been made accused by the informant merely on the basis of suspicion and mainly on account of being the parents of the co-accused Uttam Kushwaha, and the offences of the SC/ST Act, under which the FIR has been registered, do not attract even *prima facie* against the appellants, therefore, their prayer is not hit by the provisions of Section 18 of the SC/ST Act.

4. No one is present on behalf of respondent no.2.

5. Learned Special P.P. appearing for the State has



opposed this appeal and submits that both the appellants are named in the FIR and against them there is serious allegation.

6. Considering the aforesaid submissions advanced by the appellants' counsel and mainly taking into account the victim's statement recorded by her before the Judicial Magistrate as detailed above, this Court is of the view that the appellants' prayer for anticipatory bail is not hit by the provisions of Section 18 of the SC/ST Act, as they have been made accused mainly on account of being the parents of the main accused and further, the so-called victim, who is said to be the most important witness of the prosecution, has flatly denied all the allegations levelled in the FIR, in my opinion, the appellants deserve to the relief of anticipatory bail. Accordingly, let the appellants named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Asaon P.S. Case No. 82 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



7. In the result, the instant appeal stands allowed and
the order impugned is hereby set aside.

(Shailendra Singh, J)

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