

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5614 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SC/ST District- Purnia

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Anjani Kumar @ Anjani Pathak @ Anjani Kumar Pathak Son of Arvind Pathak @ Arvind Kumar Pathak Resident of Hansda Colony, City Road, PS-Sadar, Distt.- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari D/O- Shahdeo Paswan Resident of Imli Tola, Gulabbagh, Ward No. 37, P.S.- Sadar, Distt.- Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satyam Anand

For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 03-12-2025 1. Heard learned counsel for the appellant and the learned Special P.P. Ms. Usha Kumari No.1.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 21.08.2024 in A.B.P. No. 75/2024 passed by the learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No.38/2024, registered under Sections 341, 342, 323, 504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA)Act.

3. Learned counsel for the appellant submits that the



the case was taken up on 16.09.2025 when notices were issued on respondent no.2 and from perusal of the office report dated 24.11.2025, it would manifest that notice has been validly served on respondent no.2 but then the respondent no.2 chooses not to appear and contest. It is next submitted that appellant has antecedent of one case and the informant alleges that appellant on 03.09.2021 had married her in a temple, but after marriage he left her in the temple and fled on pretext of getting an auto, accordingly, Mahila P.S. Case no.55/2021 was instituted, further on 25.05.2024, informant along with her Bhabhi were going to a temple at 7 A.M. when appellant along with Arvind abused them by taking caste name and also assaulted, thereafter on 14.06.2024, while she was going to visit a patient when Arvind and his wife Pushpalata stopped her near their home and pressurized her to withdraw the case, on objection, they confined her in their house from 10 A.M. to 1 P.M. and abused and started strangulating her and said that she can never become the daughter-in-law of the family.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that



allegations are in two parts, in the first part, it is alleged that appellant married her on 03.09.2021 in a temple but left her and fled for which Mahila P.S. Case No.55/2021 was instituted, thereafter on 25.05.2024 the appellant along with Arvind abused her by taking caste name when she was going to a temple along with her Bhabhi and in the second part, it is alleged that on 14.06.2024 while she was going to visit the patient when she was confined by Arvind and his wife Pushpalata in their house and was abused. It is submitted that already Mahila P.S. Case No.55/2021 stands instituted against the appellant by the informant, further it is alleged that appellant on 25.05.2024 along with Arvind abused her when she was going to a temple but then no FIR came to be instituted, it was only when it is alleged that she was confined by Arvind and Pushpalata in their house and abused and they tried to strangle on 14.06.2024 that the instant FIR came to be instituted but then the instant FIR also came to be instituted on 19.06.2024 i.e. after a delay of five days which casts an aspersion on the case of the prosecution. It is also submitted that it appears that on account of dispute in between informant and the appellant as informant is claiming that she is married to the appellant and the appellant is denying the said fact, as such the present false case came to



be instituted. It is also submitted that till date investigation against the appellant is continuing and charge sheet has not been submitted. It is next submitted that appellant will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned Special Public Prosecutor opposes the prayer for anticipatory bail of the appellant.

6. Considering the submission of the learned counsel for the appellant, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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