

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.105 of 2025

Arising Out of PS. Case No.-764 Year-2024 Thana- SHASTRINAGAR District- Patna

Vaibhav Rakesh @ Baibhav Rakesh S/O Rakesh Kumar Sinha Resident of Sai Homes Apartment, Bhattacharyya Road West Patel Nagar, P.S.- Shastri Nagar, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/O Vaibhav Rakesh, D/O Dr. Ashok Kumar Presently R/at 17, Montessori School Late, P.S.- Sri Krishnapuri, Dist.- Patna 800001

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 52 of 2025

Arising Out of PS. Case No.-764 Year-2024 Thana- SHASTRINAGAR District- Patna

1. Rakesh Kumar Sinha S/O Late Rajendra Kumar Prasad Resident of Sai Homes Apartment, Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Dist.- Patna
2. Vandana Prakash Sinha W/O Rakesh Kumar Sinha Resident of Sai Homes Apartment, Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Dist.- Patna
3. Samridhi Raj W/O Rajan Pathak Resident of Sai Homes Apartment, Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Dist.- Patna

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Priyanka Kumari W/O Vaibhav Rakesh, D/O Dr. Ashok Kumar Presently At 17, Montessori School Late, P.S.- Sri Krishnapuri, Dist.- Patna- 800001

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 105 of 2025)

For the Appellant/s	:	Mr. Manish Dhari Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Arun Kumar No. 1
		Ms. Sushma Kumari

(In CRIMINAL APPEAL (SJ) No. 52 of 2025)

For the Appellant/s	:	Mr. Manish Dhari Singh
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

4 18-12-2025

CRIMINAL APPEAL (SJ) No.105 of 2025

1. Heard learned counsel for the appellant, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellant has challenged the order dated 26.11.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court Sadar, Patna in connection with ABP No.4615 of 2024 arising out of Shastri Nagar P. S. Case No.764 of 2024, instituted for the offences under Section 85 of the B.N.S., Sections 3 and 4 of the D. P. Act and Section 3(i)(r)(s), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellant submits that appellants is a person with clean antecedent and the informant alleges that she was married to appellant on 28.11.2021. Further, within a month and a half of marriage, she became pregnant, thereafter accused persons started torturing her and demanded Rs.50 Lacs by way of dowry for Vaibhav Rakesh to start a business. It is next alleged that their marriage was a love marriage, but Vaibhav, who is 7th pass introduced himself as an engineer and said that he runs a coaching institute, but later it was



discovered that he has no coaching institute and that he was married twice earlier. Further, on 24.09.2024, the accused persons abused her by caste name and assaulted her. Further, her parents came to settle the issue but in-laws and sister in-law abused them by taking caste name, thereafter on 26.09.2024, the accused persons again abused her by taking caste name and assaulted her, but she managed to save herself and informed the police station and the police personnel brought her to the police station.

4. The learned counsel appearing on behalf of the appellant submits that appellant being husband has been falsely implicated in the instant case with frivolous allegation. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that the marriage was a love marriage but then appellant misled her by disclosing that he runs a coaching institute and is earning, when appellant is only a 7th pass. It is next submitted that a reply to the counter-affidavit has been filed by the appellant wherein it has been specifically stated that appellant has passed his 10th, 12th and thereafter has completed his B.Sc. (I.T.) and in support of the same, the educational certificates by way of Annexure-5 have been annexed. It is next submitted that informant alleges that on 24.09.2024, the accused persons abused her by taking caste name and assaulted her and when her parents came to settle the issue, her in-laws and



sister in-law abused them by taking caste name, thereafter on 26.09.2024, the accused persons again abused her by taking caste name. It is submitted that if what has been alleged is true that on 24.09.2024, the accused persons had abused and assaulted her and the parents of the informant came to the house of the appellant, then why she stayed back at her matrimonial home. It is next submitted that no doubt, with the FIR, injury report is also enclosed, but then, from perusal of the same, it would manifest that normal wear and tear of life has been exaggerated, but then, the injury suffered has been found to be simple. It is also submitted that even presuming what has been alleged is true without admitting, then entire occurrence is alleged to have taken place at the house of the appellant and thus was not in public view. It is also submitted that though in the FIR, it is alleged that appellant was married from before twice, but then, the said allegation is vehemently denied in the reply and it has been specifically stated that this was the first marriage of the appellant with the informant and the marriage was a love marriage. It is further submitted that informant was earlier married to one Vaibhav Kumar Anand in 2012 and their marriage was dissolved by judgment dated 31.05.2019 in Divorce Case No.936 of 2018 and the informant had earlier instituted a case under the SC/ST Act against her earlier husband also. It is further submitted that only to



give seriousness to the case, a false and a bald allegation has been alleged that appellant was married from before without disclosing any name. It is next submitted that Kadamkuan P. S. Case No.97 of 2018 was filed by the informant against her first husband and others, but accused were subsequently acquitted.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the appellant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that even presuming what has been alleged is true without admitting, then the occurrence took place in the house of the appellant, as such, was not in public view and the injury suffered has been opined to be simple and even presuming that some altercation and fight in between appellant and the informant took place that was mere normal wear and tear of life.

6. Regard being had to the aforesaid submissions, the order dated 26.11.2024 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court Sadar, Patna in connection with ABP No.4615 of 2024 arising out of Shastri Nagar P. S. Case No.764 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

9. At this stage, learned counsel for the appellant seeks permission to make rectification at Para-5 of the appeal as it has been submitted that inadvertently, the date of the FIR has been pleaded as 27.08.2024 when it ought to have been 27.09.2024.

10. Permission is accorded.

CRIMINAL APPEAL (SJ) No. 52 of 2025

1. Heard learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 26.11.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Civil Court Sadar, Patna in connection with ABP No.4616 of 2024 arising out of Shastri Nagar P. S. Case No.764 of 2024, instituted for the offences under Section 85 of the B.N.S., Sections 3 and 4 of the D. P. Act and Section 3(i)(r)(s), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the



appellants submits that husband of the informant namely Vaibhav Rakesh @ Baibhav Rakesh had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.105 of 2025 and the same was allowed by an order dated 18.12.2025 after considering the case in detail and on merits. It is next submitted that appellants in the instant appeal are father in-law, mother in-law and married sister in-law. It is further submitted that case of the appellants are on a better footing than the case of Vaibhav Rakesh @ Baibhav Rakesh, thus based on parity seeks anticipatory bail application.

4. The learned Special P. P. as well as the learned counsel appearing on behalf of the appellant opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel appearing on behalf of the appellants and taking into consideration the order dated 18.12.2025 in Cr. Appeal (SJ) No.105 of 2025, the order impugned is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil Court Sadar,



Patna in connection with ABP No.4616 of 2024 arising out of Shastri Nagar P. S. Case No.764 of 2024, subject to the conditions laid down under Section 482(2) of the BNSS.

8. At this stage, learned counsel for the appellants seeks permission to make rectification at Para-5 of the appeal as it has been submitted that inadvertently, the date of the FIR has been pleaded as 27.08.2024, when it ought to have been 27.09.2024.

9. Permission is accorded.

(Satyavrat Verma, J)

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