

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.53 of 2026

Arising Out of PS. Case No.-44 Year-2025 Thana- MAHILA P.S District- West Champaran

Manish Yadav Son of Panchanan Yadav R/o Ward No. 1, Tamkuha Daunaha,
P.S. - Dhanaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anju Devi Wife of Alok Kumar, D/o Barosa Prasad R/o Village - Singarpatti, P.S. - Padrona, Dist. - Kushinagar, Uttar Pradesh.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2026 1. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 10.12.2025 in A.B.P. No. 2857 of 2025 passed by the learned 1st District & Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with Bagaha Mahila P.S. Case No. 44 of 2025 registered under Sections 115(2), 69, 89, 352 and 351(2) of the BNS as well as Sections 3(i)(w) and 3(ii)(v-a) of the SC/ST Act.



3. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that she married Alok about six years back. Further, her husband went to a foreign country for earning, thus, she came to her parental home and opened a shop where she met the appellant who used to come to her shop. Further, the appellant, on pretext of marriage, started establishing physical relation and the same continued for two years. It is next alleged that after the death of the husband of the informant, the appellant started exploiting her and even got her aborted and about 10-20 days back resiled from the marriage and said that now he will not bear her expenses.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that she was married to Alok about six years ago and her husband had gone to a foreign country for earning when she came back to her parental home where she came in contact with the appellant and thereafter a relationship developed and they even established physical relation. It is next submitted that when the appellant and the informant came in



contact at that time the husband of the informant was alive, thus, there was absolutely no occasion for the appellant to establish physical relation on pretext of marriage as marriage could not have been performed without divorcing Alok. It is also submitted that the relationship was consensual between two consenting adults but when the husband of the informant died thereafter the instant false case came to be instituted alleging that appellant was exploiting her physically and even got her aborted but then no documentary evidence on record has been brought which could even remotely suggest that informant was aborted. It is further submitted that appellant will not abscond rather will cooperate in the investigation to prove his innocence. It is next submitted that in the nature of allegation as alleged, prima facie, no offence under the SC/ST Act is made out.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that informant came in a relationship with the appellant during the time when her husband was alive.

6. After hearing the learned counsel for the parties, let the appellant, above named, in the event of his arrest or



surrender before the learned Trial Court 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 Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/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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