

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.115 of 2026

Arising Out of PS. Case No.-98 Year-2025 Thana- MAHILA PS District- East Champaran

Bittu Kumar S/O Binod Kumar Patel R/O Village- Kotwa, P.S- Kotwa, Distt.-
East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotan Kumari W/O Ramchandra Ram R/O Village- Semra Tola Panchayat
Raj Barharwa Kala, P.S- Kotwa, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Respondent No.2:		Mr. Prateek Tandon, Advocate
		Mr. Ronit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-06-2026 Heard Mr. Abhishek Kumar, learned counsel for the

appellant, Mr. Prateek Tandon, learned counsel appearing on

behalf of the Respondent No. 2 as well as Mr. Binay Krishna

learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 03.12.2025
passed by the learned Court of Special Judge, (SC/ST) Act, East
Champaran at Motihari in connection with Mahila P.S. Case No.
98 of 2025, F.I.R. dated 18.09.2025 registered under Sections
68, 89, 126(2), 115(2), 352, 318(4), 351(2), 351(3) and 3(5) of
the BNS, 2023 and Sections 3(i)(r)(s) & 3(2)(va) of the
Scheduled Castes and Scheduled Tribes Act (Prevention of



Atrocities) Act.

3. According to the prosecution case, the petitioner has established physical relationship with the victim on the pretext of marriage and also abused her by taking her caste name and also took Rs. 8 lakhs from her.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that initially the victim has supported the case of the prosecution. He further submits that the trial has begun and the victim has deposed before the trial court as P.W.1 in which she has categorically stated that she was living with the appellant in live-in-relationship and on the date of occurrence she was major and with her consent the appellant has establish physical relationship with her but when her parents came to the house of the appellant for their marriage, then the family members of the appellant have refused to perform their marriage and due to this reason the present FIR has been instituted against the appellant and his family members. He further submits that the police, after investigation, submitted charge



sheet against the appellant. The appellant is in custody since 19.09.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant has committed wrong with the victim.

6. Considering the aforesaid facts and circumstances of the case and taking into consideration the deposition of the victim, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, (SC/ST) Act, East Champaran at Motihari in connection with Mahila P.S. Case No. 98 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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