

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.573 of 2026

Arising Out of PS. Case No.-212 Year-2025 Thana- KISHANPUR District- Supaul

Sumit Kumar @ Sumit Kumar Chaudhary Son of Subhash Chaudhary
Resident of Village- Mauzaha, P.S.- Kishanpur District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. XXX Daughter of Sanjay Sharma Resident of Village- Manjaha, Ward nO. 7, P.S.- Kishanpur District- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamal Kishore Singh
For the Respondent/s	:	Mr. Sadanand Paswan- Spl.P.P. Mr. Prafull Chandra Thakur Ms. Madhumala Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-07-2026 1. Heard learned counsel for the appellant, the learned counsel appearing on behalf of the informant and the learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 17.01.2026 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Supaul in connection with ABA No.1681 of 2025 arising out of Kishanpur P. S. Case No.212 of 2025/ SC/ST 136 of 2025, instituted for the offences under Sections 126(2), 115, 69, 76, 352, 351(2) and 3(5) of the B.N.S. and Section 3(1)(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 appellant is a person with clean antecedent and the informant alleges that she was in a relationship with the appellant and appellant, on pretext of marriage for years, was establishing physical relation. Further on 08.10.2025, in a Hanuman Ji Temple, the appellant put vermilion on her forehead and brought her home where they stayed in the night as husband and wife, but in the morning, the family members of the appellant abused her by taking caste name and Premlata Devi tried to strangle her by a scarf and even tried to oust her from the house, but she resisted. Further, Amar dashed her on the ground and said that she can stay in the house if she establishes physical relation.

4. The learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that it is not in dispute that appellant and the informant were in a relationship, but then, the relationship was a consensual relationship between two consenting adults with no promise of marriage. It is also submitted that in order to give seriousness to the case, it is falsely alleged that appellant married the informant. It is further submitted that as per Hindu Tradition, no marriage ever takes



place in temple of Hanuman Ji as Hanuman Ji is considered to be a Brahmchari. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant has tried to even implicate the family members of the appellant only with an intent to coerce the appellant into submission. It is next submitted that whenever a consenting relationship sours, a false case is instituted. It is next submitted that even allegation of abuse is not specific and even presuming what has been alleged is true, then the occurrence is alleged to have taken place in the house of the appellant, thus was not in public view, but then, it is asserted and submitted that no such occurrence ever took place in his house, nor the informant ever stayed in his house. It is also submitted that if privilege of anticipatory bail is granted, appellant will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the informant opposes the bail application, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that in Hindu Tradition, marriage does not take place in temple of Hanuman ji.



6. Regard being had to the aforesaid submissions, the order dated 17.01.2026 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 Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Supaul in connection with ABA No.1681 of 2025 arising out of Kishanpur P. S. Case No.212 of 2025/ SC/ST 136 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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