

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1904 of 2025

Arising Out of PS. Case No.-272 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Vikash Kumar S/O- Ashok Prasad Resident of Village- Murauwatpur, P.S.- Desari, District- Vaishali
2. Ashok Kumar @ Ashok Prasad Son of Madhusudan Prasad Resident of Village- Murauwatpur, P.S.- Desari, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Pinki Kumari W/O- Late Rajnath Manjhi R/O Vill- Chainpur, P.S.- Kopa, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-07-2026

1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State, Mr. Sadanand Paswan.

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 06.03.2025 in A.B.P. No. 233 of 2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Chapra, Saran in connection with Bhagwan Bazar P.S. Case No. 272 of 2023 registered under Sections 406, 420 and 376 of the Indian Penal Code as well as Sections 3(1)(x), 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.



3. Learned counsel appearing on behalf of the appellants submits that from perusal of the office report dated 10.11.2025, it would manifest that the same records that notice on behalf of the respondent no. 2 has been received by her mother, it has been submitted that since mother has received the notice, the same should be treated to be validly served. Since notice has been received by the mother of the respondent no. 2, the same is treated to be validly served, it is next submitted that appellants have antecedent of two cases and appellant no. 2 is father of appellant no. 1.

4. It is further submitted that informant alleges that since 2022 she was talking to appellant no. 1, further appellant no. 1 promised to marry her, next alleges that appellant no. 1 informed that his mother is ill thus needed money, hence on several dates as detailed in the FIR, the informant gave Rs. 1,40,000/- on his mobile, further appellant no. 1 came to Chapra and took her to Raj Kumar Hotel, where he mixed intoxicant in her food and established physical relation and also made video of the occurrence and showed to her and when she asked him to delete the video, the appellant no. 1 said since we are marrying hence there is no need to delete the video, next alleges that after sometimes the appellant no. 1 called her and threatened to make



the video viral and demanded Rs. 3,00,000/- and thereafter again called at a hotel at Chapra and took Rs. 3,00,000/- and even established physical relation and even abused, next alleges that based on address of appellant no. 1 in the Aadhar Card, the informant went to his house but the address was incorrect, hence she tried to find out the address of appellant no. 1, further appellant no. 1 along with his father and an unknown accused called her to some other place and abused by taking caste name and threatened.

5. Learned counsel for the appellants submits that appellants have 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 the same does not inspire confidence, it is also submitted that it does not appear probable that appellant no. 1 would have mixed intoxicant in the restaurant where they met and thereafter would have established physical relation, as it is not alleged in the FIR that appellant no. 1 called her at Raj Kumar Hotel and thereafter took her to a room. It is further submitted that during the course of investigation, no video of the occurrence transpired, it is next submitted that it does not appear probable that the appellants along with an unknown accused would have threatened the informant of getting her gang



raped. It is also submitted that even allegation of abuse is general and omnibus in nature it is further submitted this perhaps explain why informant despite receiving notice chooses not to appear and contest.

6. Learned Special Public Prosecutor for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants, above-named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each 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 Cr.P.C./482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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