

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2026 of 2025**

Arising Out of PS. Case No.-116 Year-2025 Thana- AAJAM NAGAR District-
Katihar

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Abhishek Kumar S/o- Rajiv Kumar Village- Harna Ps- Tikari Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Monika Kumari D/o- Mohan Kumar Paswan Village- Karja Anant Ps-
Karja Dist- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhim Sen Upadhyay, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

5 13-02-2026 Heard learned counsel for the appellant and learned

Special Public Prosecutor appearing for the State. However,

learned counsel for respondent No.2 is not present.

2. This appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 has been directed against the order dated 10.04.2025
passed by learned District and Additional Sessions Judge-I -cum-
Special Judge, SC/ST. Act, Katihar, in A.B.P. No. 10 of 2025 in
connection with Azamnagar P.S. Case No. 116 of 2025 registered
under Sections 316(2), 64(2)F, 318(4), 351(2), 3(5) of B.N.S. and
Section 3(2)(V) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the prayer for grant
of anticipatory bail of the appellant has been rejected.



3. As per the prosecution case, the informant, Monika Kumari alleged that the appellant on the pretext of marriage has established physical relation with her on several occasions. It is further alleged that the appellant has also taken money to the tune of Rs. 72,000/- from the informant through UPI on different occasions. On the pressure made by the informant to perform marriage, the appellant swore an affidavit in the Barsoi Sub Division and on the relevant point of time, the father and his two companions abused her with her caste name and refused to establish matrimonial relation with her and further asked for dowry of Rs. 25,000,00/- for the purpose of marriage, otherwise she will be done to death.

4. Learned counsel for the appellant submits that the appellant and the informant both are major and happen to be Teacher posted in a same school. According the F.I.R, the appellant has established physical relation with the informant-victim on the false pretext of marriage. As a matter of fact, no such occurrence as alleged in the F.I.R. ever took place nor any medical report is available on record to substantiate the allegation leveled against the appellant. As regards allegation of abuse by caste name is concern, it has not been committed in a public place, rather it is stated to have been done on phone, therefore, no case, attracting the provisions of SC/St Act, is made out against the appellant. Moreover, both the parties have settled



their dispute by way of a compromise outside the court, although the offence, as alleged in F.I.R., being not compoundable one and a supplementary affidavit to that effect has also been filed by the appellant.

5. Learned Special Public Prosecutor vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that according to the F.I.R., direct allegation of establishing physical relation with the informant is attributed to the appellant on the false pretext of marriage. He further submits that though the parties have arrived at a compromise but the offence as alleged in the F.I.R., is not compoundable.

6. Considering the entire facts and circumstances of the case and also the fact that the victim is a major and both the parties have arrived at a compromise outside the court, coupled with the fact that no case attracting the provisions of SC/ST Act is made out against the appellant as the offence of abuse is not committed in a public view, rather it stated to have been on phone and also the appellant bears a clean antecedent, let the above named appellant in the event of their arrest/surrender within a period of six weeks 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 the learned Additional Sessions Judge-I -cum- Special Judge (SC/ST Act), Katihar in connection with Azamnagar P.S. Case No. 116 of 2025 subject to



the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 10.04.2025 rejecting the prayer for grant of anticipatory bail to the appellants is, hereby, set aside.

(Praveen Kumar, J)

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