

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2439 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Purnia

Dilip Kumar Dev @ Dilip Poddar S/O Sri Mahaveer Poddar Resident of
Professor Colony, Rambag Ward No.- 31, P.S.- Sadar, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mamta Kumari W/O Sri Vikash Kumar, D/O Late Mahaveer Paswan
Resident of Rani mandir Tola, Gulabbagh, P.S.- Sadar, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Anand, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-04-2026 Despite valid service of notice, none appears on
behalf of the respondent no. 2.

2. Heard learned counsel for the appellant and the
State.

3. This appeal has been filed against the order dated
28.06.2022 passed by learned 1st Additional Sessions Judge-
cum-Special Judge (SC/ST), Purnea in ABP No. 51 of 2022
arising out of Mahila P.S. Case No. 06 of 2022 registered under
Sections 376, 313, 504, 506/34 of the Indian Penal Code and
Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of appellant has been rejected.



4. As per prosecution case, co-accused Vikash Kumar Poddar developed friendship with the informant through Facebook and established physical relation with her. When informant became pregnant and asked him to marry, all the F.I.R. named accused persons assaulted her and abused by caste name.

5. Learned counsel for the appellant submits that appellant is not named in the F.I.R. and specific accusation of establishing physical relation is against co-accused Vikash Kumar Poddar. Allegation of assault is general and omnibus. Appellant has been made accused in this case merely because he is brother-in-law of co-accused Vikash Kumar Poddar and there is absolutely no allegation of any specific overt act against the appellant. It is not the case of informant that any member of public was present at the place of occurrence and as such, no case under SC/ST Act is made out against him. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing



bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Purnea in ABP No. 51 of 2022 arising out of Mahila P.S. Case No. 06 of 2022.

8. Accordingly, this criminal appeal is allowed and impugned order dated 28.06.2022 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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