

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2820 of 2025

Arising Out of PS. Case No.-50 Year-2023 Thana- SC/ST District- Nalanda

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1. Kamlesh Kumar @ Kamalesh Kumar S/O Ramchandra Yadav
2. Shubhkla Devi W/O Ramchandra Yadav
Both are R/O Village-Bagdha, P.S-Kamtaul, District- Darbhanga.
- Appellant/s

Versus

1. The State of Bihar
2. Venu Kumari D/O Ganga Mochi R/O Village- Ekangarsarai, P.S-
Ekengarsarai, Distt.- Nalanda.
- Respondent/s

Appearance :

For the Appellant/s	:	Mr.Girish Chandra Jha
For the State	:	Mr.Sadanand Paswan
For the O. P. No. 2	:	Mr. Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 16-04-2026 1. Heard learned Counsel for the appellants, learned Counsel
for the respondent No. 2 and learned Additional Public
Prosecutor for the State.
2. An order, dated 25.06.2025, passed by learned Additional
Sessions Judge-VI -cum- Special Judge, SC/ST, Nalanda,
at Biharsharif, in A.B.P. No. 1053 of 2025, is under
challenge in the present appeal preferred under Section
14-A(2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the
anticipatory bail application of the appellants in
connection with SC/ST Police Station Case No. 50 of
2023, registered for the offences punishable under
Sections 323/324/504/506/376 of the Indian Penal Code



and Sections 3 (1) (r) (s)(w) (ii)/3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the complaint -cum- First Information Report of Veenu Kumari, a member of Scheduled Caste community, is that the appellant no. 1 solemnized marriage with the respondent no. 2 on the pretext of being of same caste and established physical relationship with her. After sometime, the appellants, along with others, started torturing the respondent no. 2 due to her caste, assaulted her and snatched her jewellery, worth Rs. 2,00,000/-.
4. Learned Counsel appearing on behalf of the appellants submits that the appellants are innocent and have falsely been implicated in this case merely to pressurize the appellant no. 1 to marry with the respondent no. 2. The appellant no. 2 is the mother of appellant no. 1 and is aged about 62 years. There is no specific allegation against the appellants and the allegations are general and omnibus in nature and all the family members of the appellants have been made accused in this case.
5. On the other hand, learned Counsel for the respondent no.



2 vehemently opposes the prayer for bail and submits that the appellant no.1 and the respondent no. 2 have solemnized love marriage, but after their marriage, the appellant no. 1, along with others, used to torture her by taking her caste. The appellants also snatched away her belongings and later on ousted her. There is direct allegation against the appellant no. 1 of establishing physical relationship with her.

6. Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that there is direct allegation against the appellant no. 1 of marrying the Opposite Party No. 2, establishing physical relationship with her and later on, ousted her from her matrimonial house, I am not inclined to grant the appellant no. 1 privilege of anticipatory bail.
7. Accordingly the prayer for bail of the appellant no. 1 is rejected.
8. So far as the appellant no. 2 is concerned, she is the alleged mother-in-law of the Opposite Party No. 2, there is no direct or specific allegation against her and she is 62 years old, I am inclined to grant the appellant no. 2 privilege of anticipatory bail.



9. Let the appellant no. 2, above named, in the event of arrest or surrender before the learned District Court, 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 Additional Sessions Judge- VI -cum- Special Judge, SC/ST, Nalanda, at Biharsharif, in connection with SC/ST Police Station Case No. 50 of 2023.
10. Accordingly, this appeal is partly allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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