

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3238 of 2025**

Arising Out of PS. Case No.-164 Year-2025 Thana- MUFFASIL District- Aurangabad

Sonu Kumar Son of Upendra Yadav R/o Village - Redia, P.S. - Muffasil, Dist -
Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pooja Kumari D/o Ram Uchit Ram R/o Village - Pouthu, P.S. - Pouthu, Dist.
- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kamlendra Prasad Singh, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP
		Mr. Dharmendra Kumar Paswan, Advocate
		Mr. Amar Kumar, Advocate
		Ms. Deepshikha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-03-2026 1. Heard learned counsel for the appellant; learned
Spl. P.P. for the State, Sri Sadanand Paswan and learned counsel
appearing on behalf of the informant.

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 22-7-2025 in A.B.P. No. 1662 of 2025 passed by the
learned District and Additional Sessions Judge 1st-cum-Special
Judge (S.C./S.T, NDPS and Children Act) Aurangabad (Bihar)
in connection with Aurangabad Muffasil P.S. Case No. 164 of



2025 registered for the offences punishable under Sections 126(2), 115(2), 69, 352 and 3(5) of the BNS as well as Sections 3(1)(r)(s) and 3(2)(Va) of the SC/ST Act.

3. Learned counsel for the appellant submits that appellant submits that appellant is a person with clean antecedent and the informant alleges that appellant for the last three years on false pretext of marriage was establishing physical relation, further whenever the informant asked for performing marriage, the appellant used to give excuses and when she disclosed her relationship with the family members of the appellant, they abused and assaulted saying that she belongs to low caste, further on 12-4-2025 when informant went to the house of the appellant, his family members abused by taking caste name and ousted her from the house.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that a specific pleading has been made in the appeal that father of the informant is Bataidar of the appellant and on account of dispute relating to Bataidari, the instant false case came to be instituted. It is also submitted that even presuming what has been alleged is true without admitting then it manifests that the relationship in between the informant



and the appellant was consensual. It is further submitted that in the nature of allegation as alleged in the FIR, prima facie no offence under the SC/ST Act is made out. It is next submitted that though the informant alleges that when she disclosed about her relation with the appellant to the family members of the appellant, they abused and assaulted by taking caste name, but then the said occurrence did not take place in public view. It is next submitted that informant lastly alleges that on 12-4-2025, when she went to the house of appellant, his family members abused her by taking caste name and ousted her from the house again. It is thus submitted that this part of the allegation also does not even remotely suggest that a prima facie offence under the SC/ST Act is made out, as the occurrence took place in the house of the appellant. It is next submitted that of late it is becoming rampant that two consenting adults come in a relationship and when the relationship sours, a false case is instituted.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant. Learned counsel appearing on behalf of the informant submits that a counter-affidavit has been filed wherein a specific pleading has been made



substantiated by documents that an amount of Rs. 1 lakh and odd was credited in the account of the appellant, on which the learned counsel appearing on behalf of the appellant submits that no doubt the amount was credited but then the said amount was credited through the account of the informant in the account of the appellant by the father of the informant who is Bataidar of the father of the appellant, it is further submitted that no doubt an amount of Rs. 1 lakh and odd has been credited, but then the same has been credited not in one go, but over a period of time as detailed in the counter-affidavit, which further goes to demonstrate had it been a case where the appellant was demanding the money from the informant and the informant would have given the amount in that event the amount would not have been given on 17 dates.

6. After hearing the learned counsel for the parties, let the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of



the BNSS.

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

(Satyavrat Verma, J)

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