

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3892 of 2024

Arising Out of PS. Case No.-14 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

Malti Devi W/o Late Devgan Prasad R/o Village- Karu Bigha, P.S.- Nimchak
Bathani, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Mole Kumari D/o Sri Girami Manjhi R/o Village- Bahuara, P.S.-
Nimchak Bathani, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Swati Parmar, Advocate Mr. Arvind Kumar Singh, Advocate
For the State	:	Ms. Nawal Kishore, Sp.PP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-02-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. An order, dated 24.07.2024, passed by learned Special Judge, SC/ST Act, Gaya, in ABP No. 202 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Nimchak Bathani Police Station Case No. 14 of 2016 registered for the offence punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Section 3(i) (x) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.



3. The prosecution case, as per the First Information Report, is that O.P. No. 2 solemnized love marriage with the son of the informant on 27.11.2025. It is alleged that appellant who is mother-in-law of the O.P. No. 2, abused and kicked her out of the matrimonial home on the ground that why she has performed inter-caste marriage with her son without consent of the appellant.

4. Learned counsel for the appellant submits that the present F.I.R. has been lodged in abuse of the process of law and with mala fide intention against the appellant, who is the mother-in-law of O.P. No. 2. The O.P. No. 2 belongs to the Scheduled Caste/Scheduled Tribe category, whereas the appellant belongs to a different caste. The present FIR is not bona fide. During the course of investigation, the appellant was given the benefit of Section 41(1) of the Code of Criminal Procedure. Now that the charge-sheet has been submitted and cognizance has been taken by the learned court below, the appellant apprehends arrest and, therefore, seeks the privilege of anticipatory bail.

5. No-one appears on behalf of the O.P. No. 2.

6. Mr. Nawal Kishore, learned counsel appearing on behalf of the State, is present and opposed the prayer for



anticipatory bail.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is a dispute between mother-in-law and daughter-in-law on the ground that the appellant's son had performed inter-caste marriage, I am inclined to grant the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 24.07.2024, passed by learned Special Judge, SC/ST Act, Gaya, in ABP No. 202 of 2024, is set aside.

9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Gaya, in connection with Nimchak Bathani Police Station Case No. 14 of 2016 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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