

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4368 of 2024

Arising Out of PS. Case No.-527 Year-2023 Thana- BARAULI District- Gopalganj

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1. MITHILESH KUMAR S/O- HARENDRA MAHATO Resident of Village- Sareya Narendra Police Station- Madhopur District-Gopalganj
 2. Ranju Devi W/o- Harendra Mahato Resident of Village- Sareya Narendra Police Station- Madhopur District-Gopalganj
 3. Rabri Devi @ Ragni Devi D/o- Late Chandradeo Mahato Resident of Village- Sareya Narendra Police Station- Madhopur District-Gopalganj
 4. Rabindra Mahato Son of Late Chandradeo Mahato Resident of Village- Sareya Narendra Police Station- Madhopur District-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Late Dharmnath Ram Resident of Village- Sareya Narendra Police Station- Madhopur District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Ranjan Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-03-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned Advocate Mr. Aman Ashish who files Vakalatnama on behalf of the victim.

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 08.07.2024 in A.B.P. No. 1565 of 2024 passed by the learned 11th Additional Sessions Judge-cum-Exclusive



Special Judge SC/ST (POA) Act, Gopalganj in connection with Barauli P.S. Case No. 527 of 2023 registered under Sections 341, 342, 323, 504 and 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant no. 1 has antecedent of one case and appellants no. 2, 3, 4 are persons with clean antecedent and appellant no. 2 and 3 are women and the informant alleges that Mithilesh abducted her daughter aged about 18 years for the purposes of marrying her on 12.06.2023 for which Barauli P.S. Case No. 250 of 2023 was instituted. Further, her daughter was staying with Mithilesh. It is next alleged that when accused persons came to know that Barauli P.S. Case No. 250 of 2023 has ended thereafter they started abusing her daughter by taking caste name and even assaulted her on 17.12.2023 and locked her in a room, accordingly, her daughter called the informant when Ranju Devi snatched her mobile and all the accused assaulted her. Further, the informant reached the place of occurrence when accused persons even assaulted the informant.

4. Learned counsel appearing on behalf of the appellant submits that by order dated 11.11.2024 notices were issued on the opposite party no. 2 but then the opposite party no.



2 despite receiving the notice has chosen not to appear, as such, the victim, who is staying with Mithilesh at her matrimonial home, has appeared.

5. At this stage, learned counsel appearing on behalf of the victim submits that the victim is also present in the Court, as such, the victim was called and the victim disclosed that her marriage with Mithilesh is an inter-caste marriage and, as such, was being opposed by her mother, hence, the instant case came to be instituted. The victim further submits that she is leading a peaceful conjugal life with Mithilesh at her matrimonial home.

6. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

7. After hearing the learned counsel for the parties and the victim, let the appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S.



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

9. At this stage, learned counsel appearing on behalf of the victim submits that he has a copy of the Vakalatnama but the same shall be filed in the Registry today itself.

(Satyavrat Verma, J)

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