

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3693 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- DELHA District- Gaya

=====

Rahul Kumar S/O Surendra Mahto Resident of Barki Delha Bus Stand, P.S.-
Delha, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arti Kumari D/O Suresh Paswan Resident of Barki Delha Dularganj, P.S.-
Delha, Dist.- Gaya.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate Ms. Anjali Kumari, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Resp. No.2	:	None

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-02-2026 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

2. Notice was sent to Respondent No. 2/informant
vide order dated 10.11.2025 and even *vakalatnama* has been
filed on her behalf, but nobody is present on behalf of
Respondent No. 2.

3. The present appeal has been preferred by the
appellant under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the order dated 04.08.2025, passed by learned Exclusive Special
Judge, SC/ST, Gaya in A.B.P. No. 210 of 2025, arising out of



Delha P.S. Case No. 133 of 2025, whereby the application of the Appellant for anticipatory bail has been rejected.

4. As per the FIR, the marriage between the informant lady and the accused-appellant was solemnized on 19.07.2024 and for about two months, she was kept at her *sasural* with all love and dignity. However, thereafter torturing started and the informant was being humiliated by calling her *harijan* and low caste and the appellant-husband stopped taking food from her and ultimately was ousted from the matrimonial home. The accused belongs to *Koiri* caste.

5. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. She further submits that as a matter of fact, the marriage broke down on account of normal wear and tear of a married life and the informant has left the matrimonial home on her own and this case has been lodged under the SC/ST Act, misusing the Act. She further submits that had the accused any casteist mindset, he could not have married the informant and hence, there is no question of humiliating the informant on the caste line. The matrimonial dispute has been given colour of criminal dispute under the SC/ST Act. She further submits that the allegation is general and omnibus without any detail



regarding place, time and nature of actus rea against the informant. It is also not stated that the occurrence had taken place in public view and as such, SC/ST Act is not attracted.

6. It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellant has no criminal antecedents.

7. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

8. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 04.08.2025, passed by learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 210 of 2025, arising out of Delha P.S. Case No. 133 of 2025, and directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Delha P.S. Case No. 133 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the



following conditions:

(i) In case, it is brought to the notice of the court below that the appellant has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellant.

9. The appeal stands allowed, accordingly.

(Jitendra Kumar, J)

shoaib/-

U		T	
---	--	---	--

