

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4044 of 2025

Arising Out of PS. Case No.-216 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Hariom Sharma S/o Nagendra Sharma R/o Village - Shripur Gahar, P.S -
Hathauri, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Smt. Soni Kumari W/o Hariom Sharma D/o Dilip Raut, R/o - Gandhi Park,
Railway Colony Marg 1, Quarter No. L/29-F, P.S - Town, District -
Samastipur At present R/o - Punjabi Colony Ward No. 1, P.S - Town, District
- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shishir Kumar Shishir, Advocate Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Complainant	:	Mr. Sushil Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 10-02-2026 Heard learned counsel for the appellant, learned
counsel for the Complainant and learned Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 04.09.2025 passed in B.P. No.
1630 of 2025 passed by the learned Special Judge S.C./S.T.
(POA) Act, Samastipur in connection with Complaint Case No.
216 of 2022 registered for the offences punishable under
Sections 313, 494, 341, 504 of the Indian Penal Code and under



Sections 3(1)(r) & 3(1)(s) of the SC/ST Act.

3. The case of the complainant based on complaint petition in short is that the complainant and the appellant were living together at Samastipur. Their relationship developed into courtship. It is further alleged that the appellant started establishing physical relationship on the promise of marriage. It is further alleged that they have solemnized marriage on 18.01.2022 through affidavit. It is further alleged that the appellant has solemnized other marriage also and has ousted the complainant from his house by abusing her with caste name.

4. Learned counsel for the appellant submits that from perusal of the complaint petition it is clear that the allegation against the appellant is only that he has solemnized other marriage and that he has ousted the complainant from his house by abusing her with caste name. Learned counsel for the appellant has further submitted that as far as the allegation of bigamy is concerned, the same is bailable and it is totally a matrimonial dispute between husband and wife and no part of SC/ST Act is attracted.

5. Learned counsel for the complainant is present and has vehemently opposed the bail to the appellant and has stated that since the complainant is married with the appellant, he



should at least pay maintenance. In this regard, he is directed to raise his voice before competent forum for maintenance.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 04.09.2025 passed in B.P. No. 1630 of 2025 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Complaint Case No. 216 of 2022 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Special Judge (SC/ST) Act, Samastipur in connection with Complaint Case No. 216 of 2022, B.P. No. 1630 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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