

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4744 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- PIRI BAZAR District- Lakhisarai

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1. Yashoda Devi W/o Late Bhuneshwar Mahto R/O Maheshwar P.S.- Piribajar, Dist.- Lakhisarai
 2. Piyush Kumar S/O Late Bhuneshwar Mahto R/O Maheshwar P.S.- Piribajar, Dist.- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. X D/O Shri Sitaram Chaudhary R/O Vill.- Piribazar, P.S.- Piribazar, Dist.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Purushottam Kumar, Pranshu, Advocate
For the State	:	Mr. Sadanand Paswan, A.P.P.
For Respondent No.2	:	Mr. Mayank Vilochan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-06-2026 Heard Mr. Ajay Kumar Thakur, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Spl. Public Prosecutor for the State as well as Mr. Mayank Vilochan, learned Advocate for respondent No.2 through virtual mode.

2. The present appeal is preferred against the order dated 04.07.2025, passed by the learned District and Additional Sessions Judge-I cum Special Judge SC/ST, Lakhisarai whereby the learned Court has been pleased to reject the prayer for anticipatory bail in connection with Piribazar P.S. Case No. 150 of 2024 instituted for the offences under Sections 64(1), 316(1),



352 and 351(1) for the Bhartiya Nyaya Sanhita and Sections 3(i)(r) and 3(i)(s) of the SC/ST Act.

3. Based upon the written report, it is alleged that the respondent no.2 was in relationship with son of the appellant no.1. However, on the pretext of one or other reason, he did not get ready to solemnize marriage and when the respondent no.2 informed the appellant no.1, who happens to be the mother of the co-accused Nitish Kumar, initially she was demanded a huge dowry and further on 15.11.2024, both the appellants abused the respondent no.2 in public view by taking her caste name.

4. Learned Advocate for the appellants while assailing the impugned order has submitted that from the reading of the F.I.R., it is evident that both the respondent no.2 and the son of the appellant no.1 were in relationship for more than 13 years and only on account of the fact that their marriage could not be settled, the present F.I.R. came to be instituted in order to mount pressure and any how settle the score. The entire allegation revolves around co-accused Nitish Kumar. So far the allegation with regard to abusing by taking the caste name of the respondent no.2 is concerned, it does not appear to be trustworthy for the simple reason that neither it has been discussed that what kind of abuse has been given nor the name



of the independent witnesses have been discussed, who were present at that point of time. It is further contended that the respondent no.2 has also not disclosed that the incident took place only on account of the fact that she belongs to the member of the vulnerable section of the society. It is lastly contended that be that as it may, the appellant no.1 is a women, having fear antecedent, aged about 65 years, whereas the appellant no.2 is the brother of co-accused Nitish Kumar and there is general and omnibus allegation of abusing. The learned Special Judge while rejecting the prayer for anticipatory bail has not considered the material facts available on record and, as such, committed serious error on the facts as well as law.

5. On the other hand, learned Special Public Prosecutor for the State and the respondent no.2 vehemently opposed the prayer of the appellants and submitted that there is specific accusation against the appellants of abuse by taking the caste name in public view.

6. Having considered the submission advanced on behalf of the learned Advocate for the respective parties and taking note of the fact that the incidence has not taken place only on account of the fact that the respondent no.2 belongs to a member of the vulnerable section of the society; moreover, as per the



allegation, she was in relationship with the son of the appellant no.1 for more than a decade, inasmuch as informant-respondent no.2 is not able to disclose as to in whose presence such incidence has taken place.

7. This Court finds substance in the present appeal and accordingly the impugned order dated 04.07.2025 is hereby set aside. The present appeal stands allowed.

8. Let the appellants, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I cum Special Judge SC/ST, Lakhisarai in connection with Piribazar P.S. Case No. 150 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the appellants.

(Harish Kumar, J)

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