

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1612 of 2020**

Arising Out of PS. Case No.-7 Year-2020 Thana- MAHILA District- Munger

SUJIT KUMAR @ SUJIT CHAURASIA @ SUJIT KUMAR CHAURASIYA
S/o Jageshwar Chaurasia Resident of Village-Muradih, P.S-Sahatwar, District-
Balua (U.P) at present R/o Chandra Nagar, P.S.-Mufassil, District-Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kishor Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-11-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 29.6.2020 passed by the learned Special Judge, SC/ST Act, Munger whereby the prayer for bail of the appellant in connection with Mahila P.S. Case no. 7 of 2020 registered under sections 376 and 506 of the Indian Penal Code and sections 3(1)(r)(w) and 3(ii)(v) of the SC/ST(POA) Act was rejected.

As per allegation in the FIR, it is stated by the informant that she met the informant in a marriage. The appellant who was working in the CRP at Assam started to regularly visit the informant and under the false assurance of marriage, he entered into physical relations with her. Thereafter it is stated that he started to threaten her that he would make public a video of the informant and even thereafter he continued to forcibly establish physical



relations with her. It is further stated that he also committed rape on her. It is finally stated that on one occasion when the appellant made an attempt to escape, the informant along with her sister forcibly caught hold of him.

It is submitted by learned counsel for the appellant that from the contents of the FIR itself it would transpire that the informant is a major aged 22 years and after the initial friendship between the appellant and the informant, subsequently the informant tried to trap him in a false case. The same would be evident from perusal of the statement of the informant under section 164 Cr.P.C wherein her story has changed from that in the FIR. It is further stated that the dispute between the parties have been amicably settled which would be evident from the documents brought on record and the appellant who is in custody since 23.2.2020 has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and on going through the contents of the FIR, wherein the informant who happens to be a major aged 22 years states that the appellant had established physical relations on the pretext of marriage, together with the appellant being in custody since 23.2.2020 and the investigation in the case having concluded, the Court is inclined to allow the instant appeal. The appeal is allowed. The order dated 29.06.2020 passed by the learned Spl. Judge, SC/ST Act Munger in connection with Mahila P.S. Case no. 7 of 2020 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Mahila P.S. Case no. 7 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Munger.

(Partha Sarthy, J)

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