

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2478 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- KHIJARSARAI District- Gaya

KARNESH KUMAR S/O BINDI SINGH R/O VILLAGE-TEL BIGHA, P.S.-  
KHIZERSARAI, DISTRICT-GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Manish Kumar No.2, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

2      30-06-2021                      Heard Mr. Manish Kumar No.2, learned counsel  
  
for the appellant and Mr. Sadanand Paswan, learned Special  
  
Public Prosecutor appearing for the State through video  
  
conferencing.

This appeal has been preferred on behalf of the  
appellant for setting aside the order dated 19.1.2021 passed  
by the learned Exclusive Special Judge, SC/ST Act, Gaya,  
whereby the prayer for bail of the appellant in connection  
with Khizersarai P.S. Case No. 178 of 2020 registered for  
the offenses punishable under Sections 341, 324, 148, 307,  
427, 504, 506, 34, 376 of the Indian Penal Code, 1860,  
Sections 3(1)(r)(s), 3(i)(w), (ii), 3(2) and 3(2) v of  
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, has been rejected.

The prosecution case as per the statement made by the informant is that she was having love affair with the appellant who on the pretext of false assurance of marriage entered into physical relationship with the informant, due to which, she became pregnant. It has further been alleged that on 14.4.2020 the informant was married with Panna Manjhi and after sometime of the marriage, the in-laws of the informant after receiving information that the informant was pregnant ousted her. The informant came to her parental home and contacted the appellant and requested him to marry but her request was declined by the appellant.

Learned counsel for the appellant submits that the appellant has not committed any offense in the manner alleged and from perusal of the First Information Report itself it would be evident that the informant was in love with the appellant and had entered into consensual physical relationship with the appellant. Learned counsel further submits that subsequently, the informant performed marriage with another boy and when the dispute arose due to pregnancy of the informant, she came back to her



parental home and made a request to the appellant to perform marriage with her but her request was refused by the appellant. Learned counsel also submits that it is not the case of the informant that from very inception the appellant was not having any intention to marry with the informant and it was the informant herself who performed marriage with another boy. Learned counsel next submits that the appellant is in custody since 24.11.2020 having clean antecedent.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there was love affair between the appellant and informant and informant had performed marriage with another person, I am inclined to grant bail to the appellant.

Accordingly, this appeal is allowed and the order dated 19.1.2021 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya, in connection with Khizersarai P.S. Case No. 178 of 2020 is hereby set aside. Let the appellant, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge, SC/ST Act, Gaya, in  
connection with Khizersarai P.S. Case No. 178 of 2020.

It is made clear that at the time of furnishing bails  
bonds all the parties shall follow the guidelines regarding  
social distancing.

**(Anil Kumar Sinha, J)**

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