

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2990 of 2021**

Arising Out of PS. Case No.-238 Year-2020 Thana- MAHUA District- Vaishali

Sonu Kumar S/O Ram Pravesh Thakur R/o village- Hidayatpur, Chakhaji,  
P.S.- Goraul, (O.P. Kathara), Distt.- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Alok Kumar Alok  
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

4      20-09-2021                      This matter is taken up for consideration through  
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 14.06.2021 passed by learned Special Judge (SC/ST Act), Vaishali, Hajipur in connection with Mahua P.S. Case No. 238 of 2020 under Sections 376/34, 504, 506 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that appellant is alleged to have established physical relation with the informant on the false pretext of marriage for the last three years. In the



meantime, informant was married with another boy. On 01.05.2020 while the informant was at the house of her sister, this appellant made a phone call and stated that on the same day he would solemnize marriage with her. Informant proceeded from her sister's house, on the way, she met appellant and co-accused Manish Kumar Singh from where she was taken to a hut and both of them sexually assaulted her.

It is submitted on behalf of the appellant that appellant has been falsely implicated in this case. No such occurrence as alleged in the FIR has taken place and falsity of the case is apparent from perusal of the FIR which shows that informant is a married lady and she is major and has stated her age 18 years in her statement under Section 164 Cr.P.C. Appellant has got clean antecedent and he is in custody since 28.03.2021.

However, counsel for the State opposed the prayer for bail and submitted that there is specific allegation against this appellant of sexual exploitation of the informant on the false promise of marriage which is also duly supported by the informant in her statement under Section 164 Cr.P.C.

Considering the aforesaid fact and circumstances and nature of accusation against the appellant, the prayer for bail of



the appellant is rejected.

**(Prabhat Kumar Singh, J)**

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