

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1936 of 2020

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHILA P.S. District- Patna

RAJMANI, aged about 36 years Son of Paras Mani Pandey Resident of Near
Mani Ram Akhara, Biharsharif, P.S. - Bihar, District – Nalanda ... Appellant
Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. N.K.Agrawal, Senior Advocate and
Mr.Indu Bhushan, Advocate
For the Respondent : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-01-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 31.08.2020, passed by learned Additional Sessions Judge XXI cum Special Judge, SC/ST Act, Patna in a case registered for the offence punishable under Sections 376, 420, 504 and 506 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

As per the FIR, the informant was student of B.Sc. Part I at St. Columbus College, where this appellant was also an student. With passage of time, friendship developed and from September, 2007 to April 2009 informant stayed with the appellant in ‘live in relationship’ at Gupta Colony, Bhikhna Pahari with assurance of the appellant that he would marry her in future and started preparation of Commission services. Informant was appointed as Assistant teacher in the year 2013, whereas appellant got the job of Sub Inspector of Police in December, 2018. It is further alleged that thereafter the



appellant denied to marry her and solemnized marriage with another girl Priti Kiran on 27.6.2020.

Learned counsel for the appellant submits that from bare perusal of the FIR it is apparent that the informant in fact wanted to marry with the petitioner but when the same could not happen, taking undue advantage of being a member of Scheduled Caste, lodged this false case against the appellant. Besides this, nowhere she has alleged that the appellant forcefully established physical relation rather she has stated that she spent her life with the appellant as per her sweet will. Earlier also appellant had given a Sanha (Annexure 2) on 9.4.2020 to the Kankarbagh Police Station against the informant expressing apprehension that he has been threatened by the informant that if he did not marry her, then he will be implicated in any false case. Prior to filing of the FIR, informant had filed Informatory petition before the Mahila Police Station on 10.4.2020 in which vide Notice dated 10.4.2020 (Annexure 3), the appellant was directed to appear before the Mahila police station for conciliation. No offence under the SC/ST Act is made out against the appellant. Petitioner has got no criminal antecedent.

Learned counsel for the state on the other hand



opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 31.8.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within eight weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXI cum Special Judge SC/ST Act, Patna in Specil Case No. 279 of 2020, Patna Mahila Police Station Case No. 68 of 2020.

(Prabhat Kumar Singh, J)

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