

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.897 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- FATEHPUR District- Gaya

Sarjun Yadav @ Sarjun Kumar, Son Of Madan Yadav, R/O Village- Ganni
Pipra, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Kumari, D/O Muneshar Manjhi, Resident of Village-Ganni Pipra,P.S-
Fatehpur,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arvind Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 25-08-2022

Notice has been validly served upon the respondent no.

2 but no one appears on her behalf.

Considering the valid service of notice, the matter is
proceeded even in absence of respondent no. 2.

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 against the refusal of prayer for bail by order dated
25.02.2022 passed by the learned Special Judge, SC/ST Act, Gaya



in connection with Fatehpur P.S. Case No. 22 of 2021, registered for the alleged offences under Sections 376, 493 and 506 of the Indian Penal Code and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellant gave allurement of marriage to informant and established physical relationship with her and continued the said relationship for three years. But later on he refused to marry her and threatened her with assault.

The learned counsel for the appellant submits that it was completely consensual act on the part of the informant as she willingly entered into the physical relationship with the appellant. The informant was already married and she was living alone after her husband went out to earn his livelihood. Thereafter, in a planned manner, she trapped this appellant to blackmail him. Otherwise, the appellant has no concern or any relationship with the informant at all. The appellant is in custody since 20.01.2022 and the charge sheet in this case has been submitted.

Learned Spl.PP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the consensual nature of act of the informant in the whole occurrence and further considering the period of his custody along with submission of charge-sheet, the appellant above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 22 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the appellant, preferably one of the parents.

(ii) The appellant will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2022
Transmission Date	26.08.2022

