

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1417 of 2022**

Arising Out of PS. Case No.-840 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Loknath Singh Son of Late Nawal Kishore Singh, Resident of Village -
Bisanpur Basant @ Subhai, P.s.- Hajipur Sadar, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pinki Kumari Wife of Lokhnath Singh, R/o village- Pirganj, P.O.-
Mohinuddin Nagar, P.S.- Potori, Dist - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 17-11-2022

The learned Special P.P. submits that the informant was informed through the Superintendent of Police Hajipur and Samastipur regarding the proceeding taking place in this Court, but no one has been appeared on behalf of the informant/respondent No.2.

The matter has been put up for hearing.

Heard learned counsel for the appellant and learned Special P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

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 02.04.2022 passed by learned Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 840 of 2021 registered for the alleged offences under Sections 341, 323, 376, 504, 506, 498(A), 494 of the Indian Penal Code and Sections 3 (1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellant established physical relationship with the informant giving her allurements of marriage and false promise of love and sexually exploited her. Thereafter, the appellant solemnized marriage with the informant in presence of parents of the informant and his family members and thereafter the informant came to know that the appellant was already married with four children. The appellant also refused to keep the informant with him and drove her out from his tenanted premises.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. From the facts and the F.I.R., it is apparent that it is a case of matrimonial dispute with allegation of bigamy. The informant refused to undergo medical check-up stating that last physical relationship with the appellant was in August, 2020.



The present case was lodged by the informant on 26.09.2021 and in the aforesaid facts and circumstances, the allegation appears to be fabricated. It also makes the prosecution story very doubtful. The informant has been changing her story and in her statement before the police she has stated that she was kidnapped by the appellant. The fact of the case is that the informant is a major lady and she cohabited with the appellant for eight months and thereafter the marriage took place in presence of their family members. The appellant is in custody since 30.12.2021 and charge-sheet has been submitted in this case.

Learned Special PP opposes the submission made on behalf of the appellant submitting that the appellant obtained the consent of the informant giving her inducement of marriage and the informant was under misconception that the appellant was unmarried. Thus, the appellant sexually exploited the informant.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and further considering the relationship of the informant with the appellant and apparently consensual act of the informant and also considering the period of custody of the appellant along



with submission of charge sheet, he 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, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 840 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (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)

Ashish/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	18-11-2022
Transmission Date	18-11-2022

