

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1688 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- SC/ST District- Rohtas

ARJUN GUPTA, S/o Binod Prasad Gupta Resident of Village - Motha, P.S.
Karakat Gorari, District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJALIKA SINHA D/o Janeshwar paswan Resident of Village- Mirajpur
P.S. - Tilauth, District - Rohtas at present residing at Near Womens's
College, in house of Ramesh Singh, Bikramganj, P.S. - Bikramganj, District
- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Digvijay Kumar Ojha, Advocate Mr. Kamal Kishore Sinha, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Shashi Bhushan Singh,

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 15-09-2022

Heard learned counsel for the appellant and learned
APP 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 vide
order dated 13.04.2020 passed by the learned Exclusive Judge
SC/ST Rohtas at Sasaram in connection with Rohtas SC/ST



Case No. 79 of 2020 registered for the alleged offences under Sections 341, 323, 376, 354, 504, 506, 509 and 34 of the Indian Penal Code and under Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

As per prosecution case, the appellant and the informant were acquaintances and the appellant prepared a video of informant while she was in her bathroom and threatening her with exposure of the video, he forcibly established sexual relationship with her and thereafter, on a number of occasions the appellant entered into physical relationship with the informant. Further allegation against the appellant is that he along with two other co-accused persons assaulted the informant and abused her by taking her caste name and also threatened to release her indecent video and making it viral.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No offence as alleged has ever taken place. The informant is a lady of dubious character. She has been contesting cases with her two husbands with whom she has been earlier married. She entered into a physical relationship with this appellant willingly and she made the appellant pay money to her showing



her needs and in that way, the appellant transferred Rs. 1,65,000/- in the account of the informant for payment and closure of her vehicle loan. Learned counsel further submits that the F.I.R. has been lodged after delay of two months and there is no explanation for the same. During investigation, the witnesses have not supported the prosecution case to a large extent and the case of the informant about the assault was also found to be false. The informant has further developed her story during the investigation and stated that the appellant established physical relationship with her on pretext that he would marry her. Learned counsel further submits that in fact there was an affair between the appellant and the informant and whatever relationship was between them, it was consensual and when the appellant tried to withdraw from the relationship, the instant case has been lodged. There could be no application of provisions of the SC/ST (Prevention of Atrocities) Act in this case considering the admitted relationship between the informant and the appellant. Charge sheet has been submitted in this case and the appellant is in custody since 21.10.2021.

Learned APP for the State and learned counsel appearing on behalf of the informant oppose the prayer for bail of the appellant. He submits that there is specific allegation



against the appellant that he committed rape with the informant and also assaulted her.

Perused the records.

Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the informant remained in relationship for about 3 years with this appellant and there has been no complaints during this period and further considering the position of the informant who was herself a Supervisor in Child Development Project office and could not be said to be a helpless women and also considering submission of charge sheet along with period of custody of the appellant, 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 Exclusive Special Judge SC/ST Act, Rohtas at Sasaram in connection with C.I.S. No. 236 of 2020 arising out of Rohtas SC/ST No. 79 of 2020, 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.
- (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 stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2022
Transmission Date	17.09.2022

