

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2039 of 2022**

Arising Out of PS. Case No.-129 Year-2021 Thana- LALGANJ District- Vaishali

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Anil Kumar, S/o Late Shankar Sahni, R/o village- Mathurapur, P.O.- Lalganj,
P.S.- Lalganj, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi, wife of Ramesh Chaudhary, resident of village- Pacchione, at
present residing at village- Jadua, P.O. + P.S.- Jadua, District- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Kalyan Shankar, Advocate
		Ms. Smita, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For respondent No.2	:	Mr. Ravish Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

- 3 13-10-2022 Learned counsel for the appellant is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Kalyan Shankar, learned counsel appearing
on behalf of the appellant, Mr. Ravish Mishra, learned counsel
for respondent no.2 and learned Spl. PP for the State.

The present appeal under Section 14-A (2) of the
Scheduled Castes/Scheduled Tribes, Prevention of Atrocities
Act, (hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 09.05.2022 passed by learned Special
Judge, SC/ST Act, Vaishali at Hajipur in connection with
Lalganj P.S. case no. 129 of 2021 registered for the offences
punishable under Sections 3(1)(r)(w)(i) 3 (2)(v) of the SC/ST



Act whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report filed by the informant/respondent no.2 alleging therein that the appellant used to come in her house, while her husband was alive, however, after the death of her husband on persuasion and allurements she left her house and started living with the appellant, as husband and wife along with her six years son. It is further alleged that the aforesaid period the appellant has established physical relationship with the informant. However, after lapse of six months, the appellant started torturing the informant and abused by taking her caste name. On 05.12.2021, the appellant beaten the informant and fled away.

Learned counsel for the appellant submits that from the tenor of the F.I.R., it would be evident that both the appellant and respondent no.2 are major and they were known to each other from before. He further submits that it is also admitted fact that the informant during life time of her husband, left her husband's house and fled away with the appellant and started residing with him. He next submits that from the entire accusation, it appears that it was a consensual relationship and no force or any enticement was made. He further submits that from the F.I.R. it is also evident that the entire occurrence, much



less of abusing by taking her caste name was taken place within the vicinity of the house and no offence is made out under the SC/ST Act. He next submits that the appellant, having fair antecedent, is in custody since 12.03.2022.

On the other hand, Mr. Ravish Mishra, learned counsel for respondent no.2 vehemently opposes the bail application and submits that in fact on the pretext of marriage, the victim was taken away by the appellant where the appellant established physical relationship and after exploiting her he refused to marry.

Learned counsel for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that both the parties are major and from the materials and statement of the victim recorded under Section 164 of the Cr.P.C. it appears to be a consensual relationship, coupled with the period of incarceration, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees 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 Lalganj P.S. case no. 129 of 2021, subject to the condition that one of the bailors will be the close



relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly the impugned order dated 09.05.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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