

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.92 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Purnia

=====

ANJANI KUMAR PATHAK @ ANJANI KUMAR SON OF ARVIND
KUMAR PATHAK RESIDENT OF HANSDA COLONY, CITY ROAD,
GULAB BAGH, P.S.- SADAR DISTRICT- PURNIA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MAMTA KUMARI DAUGHTER OF SAHDEO PASWAN RESIDENT OF
IMLI TOLA, GULAB BAGH, WARD NO. 37, P.S.- SADAR, DISTRICT-
PURNEA

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-11-2022 Heard learned counsel for the appellant, learned

Special P.P. for the State and learned counsel appearing on
behalf of respondent no. 2.

The present appeal has been filed against order dated
02.08.2021 passed by learned A.D.J.-I-cum-Special Judge,
(SC/ST Act), Purnia in Purnea Mahila P.S. Case No. 55 of
2021 registered for the offence punishable under Sections 341,
323, 376, 498(A), 504/34 of the Indian Penal Code and Sections
3(1)(r)(s) / 3(ii)(va) of the Scheduled Castes and the Scheduled
Tribes (POA) Act (for short “SC/ST Act”), whereby the prayer
for anticipatory bail of appellant was rejected.

As per the prosecution case, this appellant established
physical relation with respondent no. 2 on the false promise of
marriage resulting in her pregnancy. It is further alleged that on



03.09.2021, this appellant solemnised marriage with respondent no. 2 and compelled her to take medicine leading to abortion.

Learned counsel for the appellant submits that no case under Section 376 and 498(A) of the Indian Penal Code or under the provision of SC/ST Act is made out against this appellant. So far as allegation of abuse and assault is concerned, it is levelled against other co-accused persons. Doctor has found the age of the victim about 20 years. The appellant has got clean antecedent.

However, learned Special P.P. for the State vehemently opposes the appeal and submits that there is specific and direct allegation against this appellant of establishing physical relation with the informant/respondent no. 2 on the false promise of marriage and causing abortion.

Considering the same, this Court is not inclined to interfere with the order of learned court below, whereby the prayer for anticipatory bail of appellant was reject, and accordingly, this appeal is dismissed.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

