

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.346 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- MAHILA P.S. District- Patna

=====

Gautam Kumar S/O Late Arvind Kumar R/o Village- Laxmipur, P.S.-
Ghoswari, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajni Kumari D/o Late Rajesh Kumar Resident of Dallochak, P.O.-
Darveshpura, P.S.- Saksorha, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Nevedita Nirvikar, Sr. Advocate
For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-03-2023 Heard learned senior counsel for the appellant,

learned counsel for the informant and the learned Special Public

Prosecutor for the State.

The appellant has challenged the order dated
13.01.2022 passed by the learned Additional Sessions Judge-III-
cum Special Judge, SC/ST, Patna in connection with Mahila
P.S.Case No. 101 of 2021 instituted for the offences under
sections 341, 342, 323, 498(A), 506, 503, 34 of the Indian Penal
Code, section 3/4 of the D.P.Act and section 3(i) (s) of the
Scheduled Casts & Scheduled Tribes (Prevention of Atrocities)
Act, whereby his prayer for grant of anticipatory bail has been
rejected.



The prosecution case in brief is that on 21.04.2018 the appellant came and established physical relation with the informant on the pretext of marriage, as a result of which she became pregnant. It is next submitted that on 11.03.2021, the appellant married the informant in accordance with Hindu rites and rituals and after marriage the appellant started torturing her and used to abuse her by taking castes name and also called her prostitute. It is further alleged that the appellant started demanding dowry and on 12.07.2021, the appellant assaulted badly in closed room where she sustained severe injury. It is next submitted that on 14.07.2021, when the informant came at the residence of appellant she was abused by his sister and brother-in-law in front of the house in front of the crowd. It is next submitted that the informant approached Mahila Police Station, where the matter was compromised between them on 22.07.2021. It is next submitted that when the informant went to meet the appellant in his school, the appellant in front of the staff and students abused her badly and accordingly, the present FIR was instituted.

The learned counsel for the appellant submitted that the appellant, who is government servant, has falsely been implicated in the present case. It is next submitted that she was



raped in 2018, but no FIR has been instituted and there is no material on the record that the appellant and informant get married. Though there is allegation of abusing in front of crowd outside the house but the said allegation is also cryptic as the informant does not even name a single person and no one present at the place of occurrence. It is lastly submitted on behalf of the appellant that the informant does not belong to the SC/ST category in support of which the certificate issued by St. Helen's Church, Barh, Patna whereby it has been mentioned that the informant Rajni Kumari was Baptized at Barh St. Helen's Church on 22.06.2003 certificate issued which is annexed as Annexure-4 to the supplementary affidavit filed on behalf of the petitioner.

Learned counsel for the informant vehemently opposes the bail application and submits that the appellant married with the informant and in support of the same has placed some photographs before the Court to submit that the photographs clearly demonstrates that the appellant and informant were married and there was intimacy between the two which gets inflicted from the photographs, it can be seen that the appellant is putting vermilion on the head of the informant.



No reliance can be placed as Annexure-4 since the same has been manufactured and issued after filing of the FIR cannot be relied upon , the same has been issued on 22.06.2003.

From perusal of the FIR, it is apparent that the appellant, who is clerk in a school came in contact with the victim while filling up form of Intermediate Examination. Thereafter, on the false promise of marriage, subjected her to repeat sexual assault resulting in pregnancy, the appellant made a false promise to this effect only to satisfy his lust. There was no any circumstances because of which he was enable to marry her despite every intention to do.

Considering the rival submissions and facts and circumstances of this case, prayer for bail of the appellant is refused.

(Prabhat Kumar Singh, J)

N.K/-

U			
---	--	--	--

