

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1287 of 2023**

Arising Out of PS. Case No.-134 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ritesh Kumar S/O Sulindra Chaudhary @ Surendra Chaudhary R/V-
Dharampur, P.S.- Mohinuddinnagar, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Priyesh Kumar
For the Respondent/s : Mr. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 18-05-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 31.1.2023 passed by learned Special
Judge SC/ST (POA) Act, Samastipur, whereby the prayer for
bail of the appellant in connection with Mohiuddin Nagar P.S.
Case no. 134 of 2021 under Sections 313, 376,504, 506/34 of
the Indian Penal Code and sections 3(i)(r)(s)(w) of SC/ST Act
was rejected.

As per FIR, allegations against the appellant is of
establishing physical relationship with the informant/victim on
the false pretext of solemnization of marriage thereafter, he



refused for the same.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. From perusal of prosecution, it seems that the appellant and the informant are consensual party and on the pretext of solemnization of marriage, psychical relation has been established between both of them. The informant is a major and married lady. No offence is made out under the provisions of the SC/ST Act against the appellant as he has not taken the caste name of the informant in public view and he has also no intention to disgrace the image of the informant. The appellant has got no criminal antecedent and languishing in judicial custody since 9.12.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the above facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.1.2023 passed in Mohiuddin Nagar P.S. Case No. 134 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mohiuddin Nagar P.S. Case No. 134 of 2021 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (Prevention of Atrocicity) Act, Samasitpur.

(Sunil Kumar Panwar, J)

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