

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1040 of 2022**

Arising Out of PS. Case No.-289 Year-2021 Thana- AAJAM NAGAR District- Katihar

SAH ALAM @ MD. SAH ALAM Son of Abdul Latif @ Sk. Abdul Latif
Resident of village - Korhabari, P.S.- Azam Nagar, District - Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonia Das Wife of Sanjay Rai Daughter of Late Shankar Das, Resident of Kaliganj, Panchayat Maheshpur, Ward No.- 13, P.S.- Azamnagar, Dist.- Katihar

... .. Respondent/s

Appearance :

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

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

7 09-11-2023 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 25.02.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, katihar whereby the prayer for bail of the appellant in connection with Azam Nagar PS Case No. 289 of 2021 under Sections 341, 342, 323, 153A, 295A, 363, 406, 365, 368, 376, 493, 498, 504, 506, 120B of the Indian Penal Code and section 3(i)(r)(w), 3(2)(v)(va) of SC/ST Act was rejected.

As per allegation in the FIR, appellant pressurized the



appellant to change her religion and thereafter he attempted to commit rape.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 4.12.2021.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that as per Section 161 Cr.P.C., appellant had established consensual relationship with the informant and informant has accepted that she was in love with the appellant.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.2.2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Azam Nagar P.S. Case No. 289 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 1st Additional Sessions Judge-cum-Special Judge,
Katihar.

(Sunil Kumar Panwar, J)

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