

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1668 of 2023**

Arising Out of PS. Case No.-36 Year-2022 Thana- SC/ST District- Purnia

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RAJIV KUMAR @ RAJIV KUMAR YADAV S/O BHOLA PRASAD  
YADAV Resident of Village- Gharari, P.S.- Mirganj, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNI DEVI D/O BANWARI RAJAK Resident of Village- Chhath Pokhar, Tatma Toli, Panchwati Colony, P.S.- K. Hat, (Sahayak), District- Purnea.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ramesh Kumar Singh

For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**

**ORAL ORDER**

2      02-08-2023                      1. Heard learned counsel for the appellant, the State and informant.

2. This appeal has been filed for setting aside order dated 04.01.2023, passed in a case registered for the offence punishable under sections 376, 493, 417/34 of the IPC and sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, it is alleged that appellant solemnized married with the informant and established physical relation taking advantage of loneliness and married with the informant in a temple on 07.09.2011 and out of the wedlock, a male child, aged about 10 years, is also born. It is next alleged that she got information that this appellant has got second marriage with another lady and thus cheated the informant.

4. It is submitted on behalf of the appellant that the present case has been lodged by the informant on account of one sided love. At no point of time even solemnized marriage with the informant and only with a view to extort money, this false and concocted case has been lodged. From bare perusal of the FIR, it is apparent that they were in relationship for years together and enjoyed each others company. From bare perusal of the FIR, it is further appeared that both were engaged in sexual act for years together as such the same cannot be said as a result of misconception, induced or involuntarily. Appellant has got no criminal antecedent.

5. Counsel for the State as well as informant both opposed the prayer for bail.

6. This appeal is allowed and the impugned order is



set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 36 of 2022.

sanjeev/-

(Prabhat Kumar Singh, J)

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