

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2853 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BHEJA District- Madhubani

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PRADEEP KUMAR SAH @ PRADEEP SAH Son of Ashok Kumar Sah
Resident of village-Tenghaha, P.S.-Bheja, Dist.-Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. RUNA KUMARI Daughter of Shyam Paswan Resident of village-Tenghaha, P.S.-Bheja, Dist.-Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 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 12.5.2023 passed by learned Additional Sessions Judge st-cum-Special Judge, Madhubani whereby the prayer for bail of the appellant in connection with Bheja P.S. Case no. 35 of 2023 under Section 341, 323, 376, 504, 420/34 of the Indian Penal Code and sections 3(i)(r)(s), W(i), 3(2)(v)(a) of the of SC/ST Act was rejected.

Allegations against the appellant is of establishing physical relationship with the informant on the pretext of



marriage resulting into pregnancy. It is further alleged that appellant had administered medicine to get the pregnancy of the informant terminated.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Informant/victim is major lady of 22 years and she was in love with the appellant. Appellant had established consensual physical relationship with the informant. After prevailing good sense between the parties, compromise has taken place and compromise petitioner is annexed as Annexure-2 to this petition. 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 12.5.2023.

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

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 12.5.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Bheja P.S. Cse No. 35 of 2023 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
Additional Sessions Judge 1st cum Special Judge, Madhubani.

(Sunil Kumar Panwar, J)

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