

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3251 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- ALAMGANJ District- Patna

Sahil Yadav Son Of Mukesh Yadav Resident Of Mohalla-Gauri Shankar
Colony Near Sant Paul School, P.S.-Alamganj, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Madhuri Kumari Son Of Naresh Paswan Resident Of Mohalla-Gayghat
Uttari Gali, P.S.-Alamganj, District-Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 24.03.2023 passed by learned Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Alamganj P.S. Case no. 726 of 2022 under Sections 341, 323, 376, 504, 506 and 34 of the Indian Penal Code, sections 3/4 of the D.P. Act and Sections 3(i)(r)(s)3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellant is that he established physical relationship with the victim(informant) on the pretext of solemnization of marriage since long. It is



further alleged that appellant's family members demanded Rs. 15 lacs to perform the marriage of the appellant with the victim and also they abused her by taking her caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is admitted fact from FIR itself that there is love affairs between the informant and this appellant since long. It is further submitted from para-16 of this petition that this case seems consensual physical relation between the parties which is not a crime under IPC. Informant is major aged about 20 years and matured lady. Appellant is languishing in judicial custody since 05.01.2023.

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

6. 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 24.03.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Alamganj P.S. Case No. 726 of 2022 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 Act, Patna.

(Sunil Kumar Panwar, J)

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