

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3861 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- SHERGHATI District- Gaya

Chhotu Kumar @ Vikram Son Of Krishna Prasad Resident Of Vilalge -
Narayan Colony Sherghati, P.S. - Sherghati, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shobha Kumari Daughter Of Sohrai Ravidas Resident Of Naya Bazar
Sherghati, Ward No.8, P.S. - Sherghati, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashikant
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-12-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
25.07.2023 passed by learned Exclusive Special Judge
SC/ST Act, Gaya in connection with Sherghati P.S. Case
No. 463 of 2023 instituted for the offences punishable
under Sections 376(1) of the Indian Penal Code and
Sections 3(i)(r)(s) of the SC/ST Act whereby his prayer
for being released on bail has been rejected.

It is alleged against the appellant that on
promise to marry, he established physical relationship



with the informant and continued the same for many a days and thereafter the appellant married with another girl and when she made protest, she was assaulted and abused by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is a major married girl whereas the appellant is a young unmarried boy and the relationship if any was a consensual one. For the alleged occurrence of 15.12.2022 to 25.04.2023, the F.I.R was lodged on 08.05.2023 without explaining the delay. Moreover, good sense has prevailed between the parties and both sides have compromised the matter. The compromise petition is annexed as Annexure-2 to the appeal. The appellant is in custody since 09.05.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned Special P.P appearing on behalf of the



State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 25.07.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Sherghati P.S. Case No. 463 of 2023.

(Sunil Kumar Panwar, J)

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