

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.686 of 2023**

Arising Out of PS. Case No.-313 Year-2022 Thana- SAKRA District- Muzaffarpur

Sobha Kumari, D/O Ranjit Manjhi, R/v- Marwan, P.S.- Sakra, District-
Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikram Yadav @ Vikram @ Kumar, S/O Mahesh Rai, R/v- Marwan, P.S.-
Sakra, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashank Shekhar, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 06-02-2024 1. Heard learned counsel for the appellant and learned
APP for the State.

2. The instant appeal has been filed under Section 14A(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (in short SC/ST Act) against the order dated 24.11.2022 passed by learned Additional District and Sessions Judge-I-cum-Special Court of SC/ST Act, Muzaffarpur, by which the respondent no. 2 has been granted bail. The appellant has made a prayer for cancellation of bail granted to the respondent no. 2 in connection with Sakra P.S. Case No. 313 of 2022 registered for the offences punishable under Section 376 of IPC and Sections 3(i)(r)(s), (w-11) and



3(2)(va) of SC/ST Act.

3. The main submissions advanced by learned counsel for the appellant are that the learned trial court erroneously granted regular bail to the respondent no. 2 without giving an opportunity of hearing to the appellant and also the gravity of the offence was not considered by the trial court as the respondent no. 2 established sexual relationship with the appellant on the pretext of marriage and remained in relationship with her for 8 (eight) years and when the appellant asked the respondent no. 2 to marry her, he refused to do so and thereafter, he again established physical relationship with her and also insulted her by using caste based abusing words.

4. Learned counsel appearing for the respondent no. 2 vehemently opposed the appellant's prayer and submitted that the prayer for bail made by the respondent no. 2 was properly and rightly allowed by the trial court considering the relevant facts.

5. Heard both the sides and perused the order impugned. The order impugned itself goes to show that the learned trial court decided the bail prayer of the respondent no. 2 after hearing him and learned Special Public Prosecutor and so far as the presence of the appellant at that time is concerned, the



learned trial court mentioned in the order impugned that the appellant had been duly informed by the learned Special Public Prosecutor. In view of said fact, it cannot be deemed that the appellant did not get a chance to appear before the trial court to oppose the prayer of respondent no. 2 whose prayer was allowed by the learned trial court after considering the relevant facts, particularly, the admitted physical relationship between the appellant and respondent no. 2 for eight years despite the appellant having knowledge that the respondent no. 2 was a married person and there is no material to show that the respondent no. 2 has misused the privilege of bail which has been granted to him by the learned trial court. Considering all these facts, this Court is of the opinion that the appellant has not shown any ground entitling her for the relief of cancellation of bail which has been granted to respondent no. 2. Accordingly, this Court finds no merit in the instant appeal, so it stands dismissed.

(Shailendra Singh, J)

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