

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.654 of 2024**

Arising Out of PS. Case No.-52 Year-2023 Thana- SC/ST District- Patna

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Pappu Kumar son of Mahesh Sah R/o- Bakarpur Shivmandir, Vishunpur Sah
@ Bakarpur Ps- Rajapakar Dist- Vaishali Appellant/s
Versus

1. The State of Bihar
2. Priyanka Kumari D/o- Late Birogi Chaudhary R/o- Ashok Nagar Road No-
1/D, Ps- Kankarbagh Dist- patna
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Mohan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

3 09-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 03.01.2024 passed in a case registered for the offence punishable under sections 376, 379, 313 , 341, 323, 504, 506, 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)(w) /3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per F.I.R., allegation against this appellant is that on the false promise of marriage he made physical relation with the informant and got her pregnant and later on refused to solemnize marriage with her and also abused her by caste name .

4. It is submitted that both parties are major and at



the relevant time when relationship developed between the parties, victim was major and they were in relationship for quiet some time. They enjoyed each others company for quite sometime and indulged in sexual act and as such, the same cannot be said to be induced or involuntarily. The relationship was consensual. Recitals of F.I.R., do not indicate that this appellant committed the offence on the ground that informant is a member of scheduled caste or tribe . Hence, no case under Section 3(2)(v) SC/ST Act is made out. Appellant claims clean antecedent.

5. Counsel for the opposite parties oppose the prayer for bail and submits that petitioner is named in the F.I.R., and there is direct and specific allegation against this appellant is that on the false promise of marriage, procured sexual intercourse with the informant and when the informant became pregnant, he refused to marry with her.

6. Considering the nature of accusation and other circumstances of the case , I do not find any reason to interfere with the impugned order, accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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