

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1547 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- BAJPATI District- Sitamarhi

RAHUL KUMAR Son of Naresh Mandal R/V- Hemapur PS- Bajpatti Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Shibu Kumari @ Shiba Kumari @ Shibo Kumari D/o Pragas Ram R/V- Hemapur PS- Bajpatti, Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashutosh Kumar
For the O.P. No. 2	:	Mr. Ram Niwas Ray
For the State	:	Mr. Vinay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 18-11-2024 1. Heard learned Counsel for the appellant, learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State.
2. An order, dated 04.02.2023, passed by learned Additional Session Judge I -cum- Special Judge SC/ST (POA) Act, Sitamarhi, in ABP No. 3527 of 2022/138 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Complaint Case No. 89(C) of 2022 for the offences punishable under Sections



376/366(A)/313/323/504 of the Indian Penal Code and Section 3 (1)(w)(i)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The allegation against the appellant is that he committed rape upon the informant in April 2021 and threatened her not to disclose this fact to anybody and since then the appellant started making physical relationship with the informant on pretext of marriage. When the informant became pregnant and narrated the entire story to her parents, the Panchayati was convened in the village, in which the accused accepted his guilt and the appellant and his family members decided to keep the complainant with them in their house for the purpose of marriage. However, on 10.10.2021, the appellant, along with his family members, took the complainant to the hospital and got her pregnancy aborted.
4. Learned counsel for the appellant submits that there was love affair between the appellant and the victim girl due to which they were having physical relationship. He next submits that allegation regarding abortion is not correct and the appellant has falsely been implicated in this case in order to pressurizer him to solemnize marriage with the



complainant.

5. Learned Special Public Prosecutor as well as learned counsel for the respondent no. 2 opposes the prayer for anticipatory bail of the appellant and submits that the victim girl, as per her school certificate, was minor aged about 15 years at the time of occurrence and there is specific allegation of rape against the appellant.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the victim girl-complainant as per her school certificate was minor aged about 15 years at the time of occurrence, I am not inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, rejected and the order, dated 04.02.2023, passed by learned Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Sitamarhi, in ABP No. 3527 of 2022/138 of 2022, is affirmed.

(Anil Kumar Sinha, J)

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