

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1749 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SARE District- Nalanda

Manmohan Kumar @ Manmohan Kumar Gupta Son of Lakshman Saw
Resident Of Village - Kaila, Police Station - Sare, District - Nalanda

... .. Appellant

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Nand Kishore Ravidas Resident of Village -
Neruth, Police Station - Sare, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Adv.
For the informant : Mr. Nitee Ranjan, Adv.
Mr. Anil Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-07-2024 Heard learned counsel for the appellant, learned APP
for the State as well as learned counsel for the informant.

2. The present appeal has been preferred on behalf of
the appellant under Section-14 (A)(2) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for
setting aside the order dated 19-03-2024 passed in Sare P.S.
Case No. 01 of 2024 registered for the offence punishable under
Section-376 of the Indian Penal Code and Sections 3(1)(r), 3(1)
(s), 3(1)(w)(ii), 3(2)(V) of the SC/ST Act by which, the learned
Additional Sessions Judge-VIth-cum-Special Judge, SC/ST Act,
Bihar Sharif, Nalanda has rejected the prayer for bail of the



appellant.

3. The prosecutrix has lodged the FIR with allegation that the appellant came to her contact five years prior to the case. He developed intimacy and on the pretext of marriage, he established physical relation with the prosecutrix.

4. Learned counsel for the appellant has submitted that the FIR itself shows that it was not a forceful sexual relation rather both were known to each other five years prior to lodging of the FIR. Both the victim and the appellant are adults and the sexual relation between them, was consensual one.

5. On the otherhand, learned counsel appearing for the informant has opposed the prayer for bail by submitting that the appellant firstly subjected the victim to forceful sexual relation and thereafter, he refused to marry merely because she is a lady belonging to Scheduled Castes.

6. The appellant is a person of clean antecedent and he is in custody since 06-02-2024. The FIR shows that the appellant and the victim were known to each other, five years prior to the occurrence.

7. Considering the above-mentioned facts and circumstances, the appeal is *allowed* and the impugned order dated 19-03-2024 passed in Sare P.S. Case No. 01 of 2024 is set



aside.

8. Accordingly, the appellant named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIth-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda in Sare P.S. Case No. 01 of 2024.

(Nawneet Kumar Pandey, J)

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