

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1906 of 2024**

Arising Out of PS. Case No.-118 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Rituraj Kumar Verma @ Ritu Raj, Son Of Late Vijay Sharma @ Vijay Kumar
Himanshu R/O Vill-Narghoghi, Ward No 5, Ps-Sarairanjan, Dist-Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ambika Kumari, D/O Aaghish Das, Resident Of Village- Dalsingsarai, P.S.-
Dalsingsarai, Dist.- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy
For the Respondent/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
29.02.2024 passed by the learned Special Judge, SC/ST (P.O.A.)
Act, Samastipur in connection with C.R. No.118 of 2021, Trial
No.1442 of 2024, instituted for the offences under Sections 406,
420, 376 and 304 of the Indian Penal Code and Section 3(2)(v)
of the Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, whereby his prayer for grant of anticipatory bail
has been rejected.

3. The learned counsel for the appellant submits that
from bare perusal of the allegation as alleged in the complaint, it



would manifest that the same is vague, cryptic and does not inspire confidence. It is further submitted that appellant has been falsely implicated in the instant case by the respondent no.2, who alleges that the appellant on pretext of marriage, established physical relation. It is further submitted that the complainant (respondent no.2) alleges that she was staying in a rented house and she came in contact with the appellant, who is a Press Reporter and also runs a hospital in the name of Verma Memorial Hospital and Child Care Nursing Home, as such, he requested the respondent no.2 to work for him in the hospital as she is an A.N.M. working with Health Centre, Udaypur, Sarairanjan based on the offer given by the appellant, it is alleged that the complainant joined his nursing home and thereafter, they started interacting and the appellant asked her to give Rs.3 Lacs for purchasing some equipments and thereafter, instead of returning the money, started establishing physical relation on pretext of marriage and later refused on the ground that she belongs to Harijan Community.

4. The learned counsel for the appellant submits that since a complaint case came to be instituted by the respondent no.2, as such, it was expected that certain basic details ought to have been recorded in the complaint inasmuch as when she met



the appellant, since when she was working in the hospital, on which date Rs.3 Lacs was given by her to the appellant, where he proposed her for marriage and the place where physical relationship was established, but then, all such essential details are lacking. It is thus submitted that there is a very famous saying in English that *if you speak the truth you don't have to remember what you said*, but then, in the present case based on the allegation, it manifests that the respondent no.2 taking advantage of her caste falsely implicated the appellant without providing the basic details in the complaint. It is next submitted that the allegations are general, omnibus and ornamental in nature. It is further submitted that even presuming what has been alleged is true without admitting, then the relationship was consensual and based on the allegation, it does not appear that consent of the respondent no.2 was obtained by fraud.

5. The learned counsel for the appellant submits that he is aware of his limitation in arguing the appeal as cognizance has been taken.

6. The learned Special P. P. opposes the appeal on the ground that since cognizance has been taken, the appellant should move before the learned trial Court for seeking bail as the Court prima facie based on evidence, which transpired



during the course of examination of the complainant and witnesses, took cognizance.

7. At this stage, the learned counsel for the appellant seeks permission to withdraw the present appeal.

8. Permission is accorded.

9. Accordingly, instant appeal is dismissed as withdrawn.

10. However, if the appellant surrenders before the learned trial Court on or before 27.05.2024, the learned trial Court shall dispose of the case on the same day keeping in view the submissions made on behalf of the learned counsel for the appellant, as recorded herein above.

(Satyavrat Verma, J)

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