

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2804 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- SHERGHATI District- Gaya

Rahul Kumar @ Rahul Kumar Yadav, S/O Jaddu Yadav, R/O Village-Bartola
Kubri, P.S.-Sherghati, Distt-Gaya,

... .. Appellant

Versus

1. The State of Bihar.
2. Divya Kumari, D/O Chamari Padwan, R/O Village-Acchma, P.S.-Dobhi,
Distt-Gaya.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Aryan Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-06-2024 This appeal has been listed under the heading “For
Orders (on office notes)”.

2. Learned counsel for the appellant is directed to
remove the defect(s), as pointed out by the office notes dated
24.06.2024, within a period of four weeks from today.

3. Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

4. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal for prayer of bail of the appellant vide order dated 16.05.2024, passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in Bail Petition No. 1078 of 2024 arising out of Sherghati P.S. Case No. 108 of 2024 registered for the offences punishable under Sections 341, 323, 504, 506, 427 and 376 of the I.P.C. and Sections 3(1)(r)(s)(w) and 3(2)(va) of the SC/ST Act.

5. The prosecution case, in brief, is that the appellant established physical relationship with the informant for one and half year on the false pretext of marriage. It is further alleged that on 04.12.2023, the informant was assaulted and her mobile was broken after snatching and when she asked the appellant as to why he concealed the facts regarding his previous marriage and children, she was threatened by abusing her caste name and threatened to make viral her clip/photograph which was secretly recorded by the appellant.

6. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that both parties are major and developed relationship with each other with their own consent but the informant has



alleged that physical relationship was established on the assurance of marriage given by the appellant. It is further submitted that the F.I.R. has been lodged by the informant only to extort money from the appellant as he is working in the Registry Office. It is further submitted that the alleged the occurrence took place on 04.12.2023 but the F.I.R. has been lodged on 10.02.2024 after a lapse of about two months for which no explanation has been given by the prosecution. The informant is a married lady and her marriage was solemnized in the year 2017 at Rahim Bigha and since her marriage was broken, she herself developed relationship with the appellant and started pressurizing the appellant to marry her. When the appellant denied to perform marriage with the informant, she started threatening for consequences and also started demanding money from the appellant and when he refused to give any money to her, she lodged the present false F.I.R. against him after a lapse of two months. It is further submitted that on 04.12.2023, she took a room in *Rudrakash Hotel*, Gopalpur where a false allegation has been made that sexual relationship has been made by the appellant. The I.O. has recorded the statements of the Manager and staff of the said hotel who disclosed that on the alleged date of occurrence, entry has been



made in the register in which both parties gave their identity and disclosed that they are husband and the wife. The appellant is in custody since 12.03.2024. Learned counsel for the appellant placed reliance on the judgment in the case of ***Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)*** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled.” The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant.

7. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

8. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 16.05.2024, passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Bail Petition No. 1078 of 2024 arising out of Sherghati P.S. Case No. 108 of 2024, is set aside against the appellant. The criminal appeal is allowed.



9. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in Bail Petition No. 1078 of 2024, arising out of Sherghati P.S. Case No. 108 of 2024.

10. Pending Interlocutory Application, if any, stands disposed of.

(Chandra Prakash Singh, J)

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