

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3269 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MAHILA PS District- East Champaran

CHANDAN KUMAR Son of Raju Singh Resident of village - Rahsha
Bishunpur Bande, P.S. - Bhagwanpur, Distt. - Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Yogesh Chandra Verma, Sr. Adv. Mr.Kaushal Kishor, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr.Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned Senior Counsel for the appellant assisted by learned counsel, learned counsel for the informant and learned Spl.P.P. for the State.

2. This is an appeal under section 14(A) 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 of prayer for anticipatory bail vide order dated 27.06.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Mahila P.S. Case No.24 of 2023, registered under sections 376, 420, 504, 506/34 of the IPC and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellant is alleged to have established physical relation with the informant several



times on the promise of marriage but later on, he refused to marry her.

4. It is submitted by learned Senior Counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that both are major and with the consent of the informant, the said relationship has been established. Learned Senior Counsel relied upon the Apex Court order passed in the case of *Ansaar Mohammad v/s. The State of Rajasthan & Anr.* in *Criminal Appeal No.962 of 2022 (@ SLP(CRL.) No.5326 OF 2022)*, whereby the Apex Court has observed that in view of the fact that the complainant has willingly been staying with the appellant and had the relationship. Therefore, now if the relationship is not working out, the same cannot be a ground for lodging an FIR for the offence under Section 376(2)(n) IPC. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation upon the appellant that on the false promise of marriage, he relation with the informant and



thereafter has not solemnized marriage with the informant.

6. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Mahila P.S. Case No.24 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

7. However, the appellant is directed to co-operate in the trial and if he fails to appear on two consecutive dates fixed by the trial court, the court below is at liberty to cancel the bail bond of the appellant.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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