

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3285 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA PS District- Gaya

Rohit Chauhan @ Rohit Kumar Chauhan Son of Indradeo Chauhan R/O Vill.-
Satmas, P.s.- Mahkar, Dist.- Gaya

... .. Appellant/s

Versus

- 1. The State Of Bihar
- 2. Suman Kumari D/O Late Babuchand Manjhi R/O Vill.- Mahkar, P.s.-
Mahkar, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 05-12-2024 Heard learned counsel for the appellant.

2. That the present memo of appeal directed against the order dated 18.05.2024 passed by Learned Exclusive Special Judge, SC/ST Act, Gaya in Bail Petition No. 1546 of 2024 arising out of Mahila P.S. Case No. 8 of 2024, instituted for the offences under sections 379 and 376 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(v) of the Schedule Caste/Schedule Tribes (Prevention of Atrocities) Act, pending in the Court of Learned Exclusive Special Judge, SC/ST Act, Gaya, whereby and where under the prayer for regular bail filed by the appellant has been rejected.

3. As per the prosecution story, the informant alleged



that she belongs to the SC/ST Community living with her mother. This appellant, a carpenter used to visit her place and on the pretext of marriage, established physical relationship which continued for two years. When she wanted him to marry, the FIR.

4. It is the case of the appellant that the lady is already married with two children, any relationship that happened, the same was consensual. It is absurd to even think that any promise of marriage can be offered to a lady who is already married with children and this appellant has suffered by being in custody since 21.04.2024 (paragraph-12 of the petition).

5. In this case, notices were issued to the respondent on 19.08.2024 and the appearance of Mr. Sanjay Kumar Sharma and Mr. Amarnath is/are on record but on call, they are not present.

6. Considering the submissions put forwarded by the parties, the girl has not made any allegation about rape rather physical relationship on the pretext of marriage, FIR is there, he will be facing the trial and is in custody since 21.04.2024, charge-sheet stands submitted, in that background, this Court is inclined to grant him privilege of bail.



7. The order dated 18.05.2024 passed by Learned Exclusive Special Judge, SC/ST Act, Gaya in Bail Petition No. 1546 of 2024 arising out of Mahila P.S. Case No. 8 of 2024 is set aside and the appeal stands allowed.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Mahila P.S. Case No. 8 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the appellant shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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