

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3683 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- HISUWA District- Nawada

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ASHKI RAJ SON OF ARVIND YADAV RESIDENT OF VILLAGE -
MAHADEV BIGHA, P.S. - HISUA, DISTRICT - NAWADA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANTI DEVI DAUGHTER OF SANTLAL MANGHI RESIDENT OF
VILLAGE - MAHARAJGANG, P.S. - MUFSIL, DISTRICT - NAWADA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the respondent no.2	:	Mr. Prashant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-02-2024 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State assisted by learned

counsel for the respondent no.2.

2. 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 of prayer of anticipatory bail

vide order dated 19.05.2023 passed by learned Exclusive

Special Judge (SC/ST Act), Nawada in connection with Hisua

P.S. Case No. 257 of 2023 registered under Sections 376, 509,

312 and 315 of the Indian Penal Code and Section 3(1) (r) (s)

(w) (i) (ii) /3 (2) (va) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

3. The appellant is said to have made physical relation with respondent no.2 on the false pretext to marry with her and lastly he solemnized marriage with another lady. It is also alleged that the appellant slated her in the name of her caste. Other allegations have also been made.

4. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. Slating the respondent no.2 in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. It is further submitted that the allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 vehemently opposed the prayer for bail. Learned counsel for the respondent no.2 further submitted that the appellant has made physical relation with respondent no.2 regularly due to which she got pregnant two times but the appellant got aborted her womb after taking her in confidence and lastly refused to marry with her. It is further submitted that the appellant has solemnized marriage with



another lady. Hence, the appellant does not deserve anticipatory bail.

6. In the facts and circumstances of the case and considering the nature of the allegation, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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