

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3908 of 2023

Arising Out of PS. Case No.-176 Year-2021 Thana- MOTIPUR District- Muzaffarpur

RAM BABU KUMAR Son of Raghu Nath Bhagat R/o vill - Bhawani Dih,
P.S. - Motipur, Distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. LALITA KUMARI D/o Ram Balak Ram R/o vill - Bhawani Dih, P.S. -
Motipur, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-01-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.05.2023 passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Motipur P.S. Case no. 176 of 2021 under Sections 376, 120(B)/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act was rejected.

3. As per FIR, the informant alleged that the petitioner on false pretext of marriage established physical relation with her and later on he refused to marry her.

4. It is submitted by learned counsel for the



appellant that appellant is innocent and he has been falsely implicated in this case due to village politics. As per statement of the victim recorded u/s 164 of the Cr.P.C., she is major and it seems to be a consensual relationship between the victim and the appellant for solemnization of marriage. It is further submitted that informant and petitioner had fall in love but family members of the informant did not want to marry to him due to which they forcibly married her to another boy namely, Satyavir Kumar. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent and languishing in judicial custody since 01.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Motipur P.S. Case no. 176 of 2021 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the earned Special Judge, SC/ST (POA) Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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