

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4233 of 2023**

Arising Out of PS. Case No.-686 Year-2022 Thana- BELAGANJ District- Gaya

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KRIPAL KUMAR @ KRISHN KRIPAL KUMAR @ SHIV KRIPAL
KUMAR son of Rampyare Yadav Village- Kadirpur Ps- Belaganj Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Kumari wife of Ram Prasad Yadav Village- Utrama Ps- Khijarsarai
Dist- Gaya Presently- Kadirpur Ps- Belaganj Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Aryan Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 18.08.2023 passed by learned Exclusive
Special Judge (SC/ST Act), Gaya, whereby the prayer for bail of
the appellant in connection with Belaganj P.S. Case No. 686 of
2022 under Sections 376, 341, 323, 504 and 506/34 of the



Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellant is of establishing physical relationship with the informant on the false pretext of marriage.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He submitted that both the informant and the appellant are married to different persons. The victim is a mature and married women and there seems to be consensual relationship between them. 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 no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 20.11.2022.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.08.2023 arising out of Belaganj P.S. Case No. 686 of 2022 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Belaganj P.S. Case No. 686 of 2022 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 learned Exclusive Special Judge (SC/ST Act), Gaya.

(Sunil Kumar Panwar, J)

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