

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5547 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- MAHILA P.S District- West Champaran

Shriom Thakur S/O Rajendra Thakur R/O Village- Sargatiya, P.S- Gopalpur,
Distt.- West Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baby Kumari @ Divya Raj D/O Balistar Ram R/O Village- Sargatiya, Ward No. 15, P.S- Gopalpur, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 18-04-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 16.10.2023 passed by learned Special Judge SC / ST (POA) Act, Bettiah in connection with Regular Bail Petition No. 3627 of 2023 arising out of Bettiah Mahila P.S. Case No. 44 of 2023 registered under Sections 420, 376, 341, 323, 504, 506 and 34 of the IPC and Section 3(i)(r)(s), 3(2)(VA) of SC/ST Act.

3. According to the prosecution story the informant namely Baby Kumar has given written application before



Bettiah Mahila P.S. and alleged that the accused appellant after due allurement and instigation and after blackmailing her, established illicit relation with her and thereafter he took her in his confidence for marriage then deleted the recording and photos but he did not do so, when the informant and other went to ask about the same at the door of the accused the accused abused her and her father with filthy words narrating her caste name.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 05.08.2023.

5. On perusal of the FIR, case diary and impugned order dated 16.10.2023, it appears that victim and the appellant knowing each other since 2015 and were in sexual relation from the year 2017 to 2022 in several places. FIR was registered on 04.08.2023 for much delay after lodging of the FIR both of them have solemnized marriage.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.



7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated 16.10.2023 passed by learned Special Judge, SC / ST (POA) Act, Bettiah is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/ concerned Court in connection with Bail Petition No. 3627 of 2023 arising out of Bettiah Mahila P.S. Case No. 44 of 2023.

(Ramesh Chand Malviya, J)

saaurabhkr/-

U		T	
---	--	---	--

