

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.124 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- SC/ST District- Nalanda

Baldeo Prasad Singh, Son of Late Nanhak Singh Resident of Mohalla - Ram
Murti Nagar Hilsa, P.S.- Hilsa, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Simapati Devi, Wife of Lataru Choudhary Resident of Mohalla - Ram Murti
Nagar Hilsa, P.S.- Hilsa, District - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar No.1
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-04-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.
2. The appellant has challenged the order dated
07.12.2023 passed by the learned Additional Sessions Judge-VIth,
Biharsharif, Nalanda in connection with SC/ST P. S. Case No.49
of 2023, instituted for the offences under Sections 341, 323, 376,
120(B) and 504 of the Indian Penal Code and Section 3(i)(r)(s)(w)
(ii), 3(2)(va) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, whereby his prayer for grant of
anticipatory bail has been rejected.
3. The learned counsel for the appellant submits that the
present F.I.R. arises from a complaint case. It is next submitted
that appellant is aged about 76 years and is a person with clean



antecedent. It is next submitted that he came to be implicated in the instant case by the informant with false allegation of committing rape. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that she was working as a maid since the Year 1994 in Shishu Mandir School, Hilsa and during the said period, she met the appellant, when the appellant asked her to work in his house as a maid and also promised her to give her a room to live in his house, on which the informant agreed and started working as a maid in the house of the appellant. It is next alleged that thereafter, the appellant started establishing physical relation on allurements of giving a government job, thereafter physical relation between the two continued. It is next alleged that the appellant was transferred to Kishan College, Biharsharif where the informant accompanied him and stayed with the appellant from 21.09.2006 to 30.08.2008. Thereafter, the appellant was transferred to S.U. College, Hilsa where the informant was appointed as an orderly in the computer section. It is next alleged that on 21.01.2023 at 11.00 A.M., when the informant went to the house of the appellant and demanded money, the appellant became irritated and abused her by taking her caste name and pushed her out from the house, thereafter went to the police station for instituting an F.I.R., but the police did not entertain her, thereafter instant complaint case was filed based on



which, the present F.I.R. came to be instituted.

4. The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence. It is further submitted that it absolutely does not stand to reason that on what basis the informant alleges that she was raped by the appellant when from the tenor of the allegations itself, it would manifest that the relationship was consensual, though the appellant denies establishing any physical relation. It is next submitted that the reason for instituting the complaint case was that the money of the informant was due and when she went to ask for the same, the appellant abused her by taking her caste name. It is further submitted that even presuming what has been alleged is true without admitting, then the entire occurrence took place within the house of the appellant and thus was not in public view, as such, no offence under the SC/ST (POA) Act prima facie is made out, in so far as allegation of abuse is concerned.

5. The learned counsel for the appellant next submits that in the Year 2023, when the instant case came to be instituted, the informant does not even remotely suggest that she was raped rather what she alleges is that in the 1994, she was working in a school and thereafter, she met the appellant and he asked her to work as a maid in his house, whereafter she started working,



thereafter, they started establishing physical relation since 1994 which continued. Further, she was appointed as an orderly in S.U. College, Hilsa after the appellant was transferred from Kishan College, Biharsharif. The learned counsel submits that what happened after 2008 is not even remotely suggested in the F.I.R. rather the informant alleges that on 21.01.2023 at 11.00 A.M., she had gone to the house of the appellant seeking money, which was refused and she was abused. The learned counsel next submits that a person, who is nearing the fag end of his life and has remained a person with clean antecedent all throughout and has a family whether could have committed such an occurrence as is being alleged in the F.I.R., but then, at the cost of repetition submits that even if what is alleged is true without admitting, then the relationship was purely consensual between two consenting adults. It is also submitted that the case is under investigation and the appellant will not abscond rather will cooperate in the investigation.

6. The learned Special P. P. opposes the appeal.

7. Regard being had to the aforesaid submissions, the order dated 07.12.2023 is set-aside.

8. The appeal stands allowed.

9. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a



period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth, Biharsharif, Nalanda in connection with SC/ST P. S. Case No.49 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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