

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.191 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA P.S. District- Samastipur

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Aman Kumar @ Aman Kumar Mishra Son of Mantun Mishra @ Matub
Mishra R/o village - Mordiwa, P.S. - Samastipur (Muffassil), Dist.
Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pooja Kumari Daughter of Bimal Paswan R/o village - Mordiwa, P.S. -
Samastipur (Muffassil), Dist. Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Dilip Kumar Roy, Advocate
For the State	:	Mrs. Usha Kumari 1
For the Respondent No.2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. Despite valid service of notice, no one appears on
behalf of the Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 08.12.2023, passed in a case registered for the offence
punishable under Sections 493, 376 of the Indian Penal Code
and Section 3(1)(vi) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.

4. As per the prosecution case, this appellant is
alleged to have established physical relationship with the
informant on false pretext of marriage and when the informant



asked to marry with her then the appellant refused to marry with the informant.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. It is further submitted that the victim is major and relationship was consensual, both of them enjoyed each other's company for a long period the same cannot be said to induced or involuntary was developed with the consent of the parties. There is no any medical report on the record which falsify the allegation of informant. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. The appellant has clean antecedent.

6. On the other hand, learned Spl.PP. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to this appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 08.12.2023 passed by the Court of learned Special Judge, SC/ST (Prevention of Atrocities) Act, Samastipur, in connection with A.B.P. No. 3855 of 2023, arising out of Mahila P.S. Case No. 31 of



2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (Prevention of Atrocities) Act, Samastipur in connection with A.B.P. No. 3855 of 2023, arising out of Mahila P.S. Case No. 31 of 2023.

(Prabhat Kumar Singh, J)

Ranjeet/-

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