

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.193 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- PHULPARAS District- Madhubani

Pradeep Kumar Yadav Son of Deo Lal Yadav Resident of village - Gahuma Beria, P.S.- Phulparas, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manisha Kumari Daughter of Hare Ram Safi Wife of Chandan Kumar Safi, Resident of village - Gahema Bairiya Tole Manorath Patti, P.S.- Phulparas, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash Mr. Gagan Deo Yadav, Advocates
For the Respondent/s	:	Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-05-2024 Heard learned counsel for the appellant and learned counsel for the informant as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 02.12.2023 passed by the learned Ist Addl. Sessions Judge cum Special Judge, Madhubani in connection with G.R. No. 143/2023, arising out of Phulparas P.S. Case No. 460 of 2023, registered for the offence/s punishable u/s 341, 323, 376, 504,



506 of the Indian Penal Code and Sections 3(i) (R)(s) of the SC/ST Act.

3. As per the prosecution case, the appellant is alleged to have established physical relationship with the victim on pretext of marriage due to which she became pregnant. It is further alleged that the appellant and other co-accused persons abused by calling her caste name and also assaulted with fists and slaps and demanded Rs. 5 lakh cash and one motorcycle.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition. From perusal of the F.I.R. as well as statement of victim u/ss 161 Cr.P.C. and 164 Cr.P.C., it appears that both the parties chose to have illicit relationship of their own will. The parents of the victim got her married to Chandan Kumar Safi on 17.05.2023. As per medical report, there is no sign of medical evidence of sexual intercourse on the deceased.



The appellant is in custody since 18.10.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 02.12.2023 passed by the learned Ist Addl. Sessions Judge cum Special Judge, Madhubani in connection with G.R. No. 143/2023, arising out of Phulparas P.S. Case No. 460 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Addl. Sessions Judge cum Special Judge, Madhubani in connection with G.R. No. 143/2023, arising out of Phulparas P.S. Case No. 460 of 2023.

(Chandra Prakash Singh, J)

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