

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.644 of 2024**

Arising Out of PS. Case No.-56 Year-2023 Thana- SC/ST District- Rohtas

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1. MISHRI NARAIN SINGH @ MISHRI NARAYAN SINGH S/O CHAUDHRI SINGH @ CHAUDHARY SINGH VILLAGE- SARAIYA, P.O.- UMAPUR, PS.- BHAGWANPUR, DIST. KAIMUR (BHABUA).
  2. SHIV BALI SINGH S/O CHAUDHRI SINGH @ CHAUDHARY SINGH VILLAGE- SARAIYA, P.O.- UMAPUR, PS.- BHAGWANPUR, DIST. KAIMUR (BHABUA).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KALITA DEVI W/O LATE JITENDRA RAM VILLAGE AND P.O- TETRADH, PS.- AKODHI GOLA, DIST.- ROHTAS. AT PRESENT R/O MOHALLA- BABUMAJ WARD NO. 35, POST- DIHARI-ON-SONE, PS.- DIHARI, DIST.- ROHTAS.

... .. Respondent/s

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**Appearance :**

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| For the Appellants   | : | Mr. Kumar Sunil, Advocate       |
| For the State        | : | Ms. Usha Kumari 1, Spl.PP       |
| For Respondent No. 2 | : | Mr. Sanjay Kr. Tiwary, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      03-04-2025                      Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 24.11.2023, passed in a case registered for the offence punishable under Sections 376, 420, 120B and 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of



these appellants has been rejected.

3. As per the prosecution case, informant was married with one Jitendra Ram and out of the wedlock she was having two children. It is alleged that Appellant No. 1 came in contact with her through mobile phone and thereafter, on the false pretext of marriage, established physical relations with her since July, 2016 till March, 2023. It is further alleged that on 12.03.2023 accused persons took the informant/Respondent to their village and thereafter, abused her by caste name and also snatched Rs. 30,000/- cash from the informant/Respondent No. 2.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that the informant is a major, married lady and mother of two children. It is further submitted that as per prosecution case itself the relationship between Appellant No. 1 and informant continued to more than 7 years and both of them enjoyed each others company and indulged in sexual acts. The same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not



amount to rape. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants.

5. On the other hand, learned Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 24.11.2023 passed by the learned Additional District Judge-XVII-cum-Exclusive Special Judge, SC/ST Act, Rohtas at Sasaram in connection with S.C./S.T. P.S. Case No. 56 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XVII-cum-Exclusive



Special Judge, SC/ST Act, Rohtas at Sasaram in connection with  
S.C./S.T. P.S. Case No. 56 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

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