

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.620 of 2025

Arising Out of PS. Case No.-382 Year-2024 Thana- RAMPUR District- Gaya

Manish Yadav S/o- Sri Mohan Yadav @ Sohan Yadav Mohalla- Chakdaulat
near Tunni Doctor, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sundari Devi D/o- Late Sukhu Manjhi Village- Gewal Bigaha Ps- Rampur
Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-05-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, however, none appeared
on behalf of the OP No. 2 despite the notice has validly been
served.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 03.01.2025 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya in Rampur P.S. Case No. 382 of
2024 dated 03.08.2024 registered for the offence/s punishable
u/ss 376, 493, 341, 323, 379, 504, 506 of the IPC and sections
3(1)(r), 3(1)(s) / 3(2) (va) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant is alleged to have established physical relationship with the informant on the pretext of marriage and later on, he refused to marry her and abused and assaulted her by calling her caste name. It is further alleged that the appellant also snatched golden ornaments and Rs. 5000/- and threatened to kill her.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The victim is a major girl aged about 33 years who knows the consequence of the act of the appellant. Learned counsel has further submitted that the victim girl and the appellant chose to have physical relationship of their own will. Learned counsel for the appellant placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach



of promise which is made in good faith but subsequently not fulfilled”. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.10.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

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 03.01.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in Rampur P.S. Case No. 382 of 2024, 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 Exclusive Special Judge, SC/ST (POA) Act, Gaya in Rampur P.S. Case No. 382 of 2024.

(Chandra Prakash Singh, J)

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