

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.794 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- SARAI RANJAN District- Samastipur

TUNTUN SAHNI Son of Subai Sahni R/V- Khalishpur P.S- Sarairanjan Dist-
Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. XXX Daughter of Manoj Kumar Rajak R/V- Damodarpur Mahuli, P.s-
Sarairanjan, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Surya Narayan Roy, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-11-2025 Heard learned counsel appearing for the appellant and

learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on

behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 06.01.2023 passed in a case registered for the offence
punishable under Sections 376, 366, 379, 341, 323 and 34 of the
Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) 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 prosecution case, it is alleged that on the false pretext of marriage, co-accused Manish Kumar established physical relations with the informant and thereafter, refused to solemnize marriage and abused her by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of establishing physical relations on the false pretext of marriage is against co-accused Manish Kumar. Appellant has falsely been implicated in this case merely because he happens to be father of co-accused Manish Kumar and there is absolutely no allegation of overt act against him. It is not the case of the prosecution that this appellant abused the informant by caste name and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the



case, general and omnibus nature of accusation and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 06.01.2023 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 3610 of 2022 arising out of Sarairanjan P.S. Case No. 321 of 2022 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 (POA) Act, Samastipur in connection with Sarairanjan P.S. Case No. 321 of 2022.

(Prabhat Kumar Singh, J)

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