

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 940 of 2025

Arising Out of PS. Case No.-142 Year-2024 Thana- MAHILA PS District- Darbhanga

Dharmendar Kumar, Son of Ramu Yadav, Village -Madhopatti Ganj Raghauli
P.S.- Kamtaul Dist.- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Shree Madhu Muskan Kumari, Daughter of Hari Paswan village- Chandi,
P.S.- Pindaruchh, PS- Kamtaul, Dist.- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kedar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

3 24-04-2025 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 against the rejection of prayer for bail vide order
dated 21.01.2025 passed by the learned Court of Exclusive
Special Judge, SC/ST (POA) Act, Darbhanga in B.P. No. 01 of
2025 arising out of Mahila P.S. Case No. 142 of 2024 dated
21.12.2024 registered for the offence/s punishable u/ss 64, 89 of
the B.N.S. and Section 3 (2)(V-a) of the SC/ST (POA) Act,
1989.



3. As per the prosecution case, the appellant joined a network company namely Safe Shop in 2016, at that time the informant was aged about 15-16 years, and since then the informant came in contact with the appellant through mobile no. 9135680051 and for various networking work the informant went with the appellant in meeting, seminar and during course of staying together on pretext of marriage in future the appellant made physical relation with the informant. Meanwhile, the networking company failed, the appellant formed an Ayurvedic Medicine Company named Dr. Swami Life Care and started working with them by organizing camps in various blocks and panchayats of Darbhanga and Madhubani districts. In this, a lot of money was earned and the appellant kept entire amount of earnings. Later, the informant became pregnant several times but the appellant terminated the pregnancy of informant by abortion. Thereafter, the appellant married to a girl of his own caste. Upon protest the appellant kept the informant in the house of one Vipin Jha, where the appellant started establishing physical relation due to which the informant became pregnant. Upon learning of the pregnancy, the appellant administered an injection to the informant which caused abortion. This act allegedly led to present case lodged against the appellant.

4. Learned counsel for the appellant has submitted that



the appellant has falsely been implicated in this case due to ulterior motive. It is submitted that the petitioner was earning handsome amount from his own business and belongs to a respectable family of the society. The informant is a major as she joined company for job. It is further submitted that from perusal of the F.I.R., itself, it appears that the informant herself has stated that the appellant made physical relationship on the pretext of marriage but she also said that after the marriage of appellant she live with him in a house and she again became pregnant which is contradictory itself which showed that the informant was a consenting party, hence, no case under Section 64 of the B.N.S. is made out. It is further submitted that though the victim has alleged that she was sexually exploited by the appellant multiple time. Since she joined the company in the year 2016. However, it is to be noted that even after attaining the age of majority, she was sexually exploited by the appellant but she did not file any complaint to the competent authority immediately, rather the FIR was lodged on 21.12.2024 and the delay in lodging of the F.I.R., has not been explained by the prosecution. No casteist remark was mentioned in the FIR, 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 and he is in custody since 22.12.2024.

5. Learned counsel for the informant 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 some substance in the contention of the learned counsel for the appellant, the impugned order dated 21.01.2025 passed by the learned Court of Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in B.P. No. 01 of 2025 arising out of Mahila P.S. Case No. 142 of 2024 dated 21.12.2024, 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 Court of Exclusive Special Judge, SC/ST (POA) Act, Darbhanga in connection with Mahila P.S. Case No. 142 of 2024, with the condition :-

(i). The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive date without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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