

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1284 of 2025

Arising Out of PS. Case No.-245 Year-2024 Thana- HULASGANJ District- Jehanabad

Rishikesh Kumar S/o- Shri Kaushlendra Thakur Village- Surajpur, P.S.-
Hulasganj, District- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajmuni Kumari D/o- Shri Balo Das Village- Khudauri Nadi Par Po Ps-
Hulasganj Dist- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hira Sharma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-05-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant
against the order dated 25-02-2205 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Jehanabad whereby the prayer for bail of the appellant in
connection with Hulasganj PS Case No. 245 of 2024 instituted
under Sections 69, 117(2), 351(3) & 3(5) of the Bharatiya
Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of SC/ST Act was
rejected.

3. Prosecution case, in short, is that on 18.09.2024,



Rishikesh Kumar (appellant) allegedly lured Rajmuni Kumari (victim) with a false promise of marriage and took her to his house, where his family assaulted her and hurled caste-based abuses. Later, Rishikesh (appellant) also refused to marry her, prompting the lodging of the FIR.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that victim is major and even from perusal of the statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that she herself admits that the sexual relation was established since three years, which suggests that the same was consensual in nature. Even from the medical report, no spermatozoa was found either dead or alive. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 11-02-2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, since victim is major and the sexual relation so established was consensual in nature and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 25-02-2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Jehanabad is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hulasganj PS Case No. 245 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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