

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1591 of 2024

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHILA P.S. District- Patna

Rajmani S/o Paras Mani Pandey R/o Near Mani Ram Akhara, Biharsharif,
P.S. - Bihar, Distt. - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Divya Jyoti W/o Ambika Prasad R/o vill - Mokhtarpur, P.O. - Rajpur, P.S. -
Risiup, Distt. - aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Bhushan, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-02-2025 Learned counsel for the appellant(s) undertake(s) to
remove the defect(s) pointed out by the office.

2. Heard Mr. N.K. Agrawal, learned Senior Counsel for
the appellant and the State.

3. The present appeal has been filed

*for quashing the order taking
cognizance dated 21.06.2021 under section
376,420,504,506 of the I.P.C. and 3(2)
(v)SC/ST Act. in connection with Special Case
No. 279 of 2020 (Arising out of Patna Mahila
P.S. Case No. 68 of 2020 dated 24.06.2020 by
the learned court of Special Judge, SC/ST Act,
Patna.*



4. With the consent of the parties, the appeal has been taken up for final hearing.

5. As per the prosecution story, the informant alleged that from the day, she was studying in St. Columbus College, Hazaribagh, she had friendship with this appellant and after passing out, they jointly prepared for the competitive exams in Patna and in the process, had physical relationship. The lady qualified as an Assistant Commissioner, Commercial Tax while the appellant cleared the Sub-Inspector of Police job and both are now employed. It is further alleged that earlier, when she qualified as an Assistant Teacher and the appellant was unemployed, she kept on giving economical support to him and they had understanding that once he qualifies, they shall get married.

6. It is the allegation that once the appellant became the Sub-Inspector of Police, he decided to marry elsewhere and informed her that as both belong to different caste and further as she belongs to the SC/ST category, there cannot be any such marriage. The further allegation is that upon confronting him, not only she was abused, assaulted, her mobile was also broken , all in full public view which can be verified from the CCTV footage of 11 AM on 11.05.2020 where the appellant was posted (Malahi Pakri crossing), Patna. He also threatened to make the private photographs viral. Left with no alternative, the FIR.



7. The Police investigated the matter and submitted charge-sheet vide No. 50 of 2021 dated 31.03.2021 under Section 376, 420, 504, 506 of the IPC and 3(2)(v) SC/ST Act. The Court thereafter took up the matter and vide an order dated 21.06.2021, cognizance was taken under the aforesaid sections.

8. Almost three years later, the present appeal has been preferred and it is the case of the appellant as narrated by learned Senior Counsel that both were in relationship with their respective consent, being adult but because the appellant has decided to marry elsewhere, the present case. It is his further submission that only to frame him, exaggerated FIR is there.

9. Learned Spl. P.P., Mr. Binay Krishna, on the other hand, opposes the prayer submitting that a bare perusal of the FIR would show that there are two parts of the same story, one is their physical relationship during the competitive exam preparation and the second is the threatening and the assault/abuse/throwing of the mobile which has been clearly defined by the lady with date, time and place of occurrence. He further submits that the allegation of putting the intimate photographs viral is also against the appellant and in that background, the charge-sheet as also the cognizance order which has been challenged after three years, needs no interference.

10. Having heard the parties and perusing the record,



this Court is in complete conformity with the submissions put forward by the learned Spl. P.P.. The physical relationship apart, there is direct allegation against the appellant that at Malahi Pakri Crossing, Patna when the informant confronted her, was abused publicly/assaulted/the mobile was thrown on the ground and further, the allegation is that telephonically, she was intimidated of making the intimate photographs viral.

11. As rightly pointed out by learned Spl. P.P., the cognizance order is of 21.06.2021 while the belated appeal has been filed three years later. The opportunity will be there for the appellant to present his case before the concerned Court to show his innocence.

12. For the present, in this appeal, no relief can be extended.

13. In that background, both the **Cr. Appeal (SJ) No. 1591 of 2024** and the **I.A. No. 01 of 2024** stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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