

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1366 of 2025

Arising Out of PS. Case No.-834 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Arjun Sah Son of Yogendra Sah R/O Village - Balwa Kuari, P.S.- Hajipur
Sadar, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Budhni Devi Daughter of Saryug Manjhi R/O Village - Vishunpur Baldhari,
P.S.- Hajipur Sadar, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant : Mr. Ravish Mishra, Advocate
For the State : Mr. Binay Krishna, 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 06-03-2025 passed by learned Exclusive
Special Court (SC/ST Act) -cum- District and Additional
Sessions Judge, Vaishali at Hajipur whereby the prayer for bail
of the appellant in connection with Hajipur Sadar PS Case No.
834 of 2024 instituted under Sections 318(4), 64 & 303(2) of the
Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(va) of SC/ST
Act was rejected.

3. Prosecution case is based on a complaint by the



respondent, who alleged that the appellant, despite being already married, manipulated her into marriage and established physical relations. He later abandoned her after taking her gold ornaments and Rs. 2 lakh loan taken in her name from Gramin Bank.

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. The appellant's counsel contends that the complaint is false, motivated with an intent to harass and extort money, as it involves a consensual relationship between two adults, with no timely grievance raised by the respondent. Learned counsel argues that the allegations of theft and loan are baseless and unsupported by evidence, and that the respondent, a 50-year-old woman with adult children, has a history of filing such complaints to misuse the provisions of the SC/ST Act. He further claims no medical examination was done and no ingredients of rape or SC/ST offences are made out, causing him undue hardship. 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 01-03-2025 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 appellant.

6. Considering the aforesaid facts and circumstances of the case, sexual relationship being 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 06-03-2025 passed by Exclusive Special Court (SC/ST Act) -cum- District and Additional Sessions Judge, Vaishali at Hajipur is hereby set aside.

7. Let the appellant be released on bail, ***after framing of charge, if not already framed***, 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 Hajipur Sadar PS Case No. 834 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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