

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1644 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- MAHILA P.S. District- Madhepura

Vijay Sah S/O Sachendra Sah @ Sachen Sah R/O Village- Jhitkiya, Ward No. 3, P.S- Singheshwar, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Babita Devi W/O Vijay Sah R/O Village- Bhelwa Ward No. 1, P.S- Singheshwar, Dist.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Adv. Mr. Manoj Kumar, Adv. Ms. Pooja Prasad, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-07-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail of the appellant vide order dated 21.02.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with Mahila P.S. Case No. 36 of 2024 dated 15.08.2024 registered for the alleged offences punishable under Sections 352, 351(2), 64 read with Section 3(5) of the B.N.S. and Sections 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, after the death of the informant's husband, the appellant helped her in various ways, in the meantime, there was love affair started between the informant and the appellant. Thereafter, they solemnized marriage in a temple and both of them started living together as husband and wife at delhi where she became pregnant. On 20.07.2024, the appellant kept the informant in a rented house at Karpuri Chowk and made arrangement there. When the informant insisted him to bring her at his home then the appellant disclosed that he has already married hence he could not bring there. After ten days, the brother of the appellant, namely, Ajay Sah came to the house of the informant and threatened her to leave the appellant otherwise she would be killed and also alleged that the appellant is not ready to keep her.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that the victim is a major girl and she is having one son. There was love affair between the informant and the appellant and they chose to have physical relationship of their own will. Learned counsel has further



submitted that there is no allegation of sexual assault against the appellant. It is further submitted that there is no allegation of caste based abuse and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The charge-sheet has been submitted against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 16.08.2024.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 21.02.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with Mahila P.S. Case No. 36 of 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 Additional Sessions



Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with Mahila P.S. Case No. 36 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 dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(Chandra Prakash Singh, J)

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