

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1736 of 2025**

Arising Out of PS. Case No.-24 Year-2025 Thana- KORHA District- Katihar

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Pankaj Kumar Ghosh @ Kaju Ghosh S/o- Late Awani Kumar Ghosh R/o-
Ahimachak, Kheria, Ward no 3, PS- Korha, Distt- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Putul Devi W/o- Late Lalu Ravidas R/o- Ahimachak, Kheria, Ward no 3, PS-
Korha, Distt- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Akhilesh Kumar, Advocate Mr. Sapan Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-09-2025 1. Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel

appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 07.04.2025 passed by the learned Court of District
Additional Sessions Judge-cum-Special Judge, Katihar in
connection with Korha P.S. Case No. 24 of 2025 registered
under Sections 126(2), 115(2), 352, 351(3), 69 and 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(i)(w)



and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that the appellant has antecedent of one case. It is next submitted that the informant alleges that on 20.01.2025 at about 06:00 P.M., her daughter went missing. Thereafter, the informant started searching when she saw the appellant bringing the victim from behind the house of the informant. On seeing the informant and her family members, the appellant fled away. On being questioned, the victim disclosed that six months ago she had gone to the field where she met the appellant and the appellant committed rape. Further, the appellant promised the victim to marry her and thereafter he used to meet the victim. Accordingly, the informant went to the house of the appellant to make a complaint when his family members abused her by taking caste name and refused to marry the appellant with the victim.

4. Learned counsel appearing on behalf of the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that the informant alleges that she saw the appellant and the victim coming from behind her house when the



appellant fled away and the victim disclosed that six months ago she was raped but since the appellant had promised to marry her, the occurrence was not disclosed. It is also submitted that it does not appear probable that had the appellant committed rape of the victim, in that event the victim would not have disclosed the same to the informant or her family members. It is submitted that the relation was purely consensual between two consenting adults and it was only when the informant saw the appellant and the victim together, the present false case came to be instituted. It is further submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that the informant alleges that she came to the house of the appellant where she was abused and assaulted by his family members but then the occurrence did not take place within public view, nor does the F.I.R. even remotely suggest that the occurrence was witnessed by any independent witnesses. It is further reiterated and submitted that the relationship was consensual and when the same soured, the present false case came to be instituted. It is next submitted that the appellant will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant opposed



the prayer for anticipatory bail but they are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that had the appellant committed rape of the victim six months back, in that event the victim would not have failed to disclose the said fact to her parents.

6. Considering the submissions made by the learned counsel appearing on behalf of the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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