

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1786 of 2025**

Arising Out of PS. Case No.-37 Year-2024 Thana- MAHILA P.S. District- Madhepura

Rajesh Yadav Son of Late Damodar Yadav Village- Madhepura Nagar  
Parisad, Ward No 13, Madhepura Maveshi Hospital, P.S. -MADHEPURA,  
District -MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Rani Kumari Daughter of Parmeshwari Rajak village- Jorabganj, Ward no. 12, Israin Kala, Ps- Kumarkhand, Dist- madhepura P/A- C/o- Rakesh sinha, Nagar Parishad, shastri Nagar, ward no. 19, Ps and dist- Madhepura

... .. Respondent/s

**Appearance :**

|                     |   |                          |
|---------------------|---|--------------------------|
| For the Appellant/s | : | Mr.Nafisu Zzoha, Adv.    |
| For the informant   | : | Ms. Laxmi Kumari, Adv    |
|                     |   | Mr. Rupesh Kumar, Adv.   |
| For the State       | : | Mr.Binay Krishna, Spl.PP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      03-07-2025                      Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. for the State.

2. Learned counsel for the O.P. No. 2 has been filed a counter affidavit in course of the day.

3. 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 28.11.2024 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with B.P. No. 2723/2024



arising out of Madhepura Mahila P.S. Case No. 37 of 2024 dated 18.08.2024 registered for the alleged offences punishable under Sections 126(2), 115(2), 352, 351(2)(3), 64 of the B.N.S. and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of false promise of marriage for the last three years, she conceived pregnancy of five to six months and the appellant also tried to abort her pregnancy. It is further alleged that the appellant assaulted and abused her by calling her caste name.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident 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 victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. Learned counsel for the petitioner placed reliance on the



judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 15.10.2024.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

7. 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 28.11.2024 passed by the learned Additional District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with B.P. No. 2723/2024 arising out of Madhepura Mahila P.S. Case No. 37 of 2024, is set aside against the appellant. The criminal appeal is allowed.

8. 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 District & Sessions Judge-I-cum-Special Judge (SC/ST Act), Madhepura in connection with B.P. No. 2723/2024 arising out of Madhepura Mahila P.S. Case No. 37 of 2024.

**(Chandra Prakash Singh, J)**

Gautam/-

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