

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1967 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- SC/ST District- Sitamarhi

Om Kumar Sah @ Om Prakash Sah S/O Raj Kishor Sah R/O Village-
Mujauliya, P.S- Bela, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Phool Kumari D/O Chalittar Paswan R/O Village- Purandaha Rajwada
(East), Ward No. 11, P.S- Sonversa, Distt.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abu Nasar
For the Respondent/s	:	Mr.Binay Krishna
For the Resp No. 2	:	Mr. Shankar Kumar

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

ORAL ORDER

- 3 28-08-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor 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 vide
order dated 25.04.2025 passed by the learned Special Judge,
SC/ST (POA) Act-cum-1st Addl. Sessions Judge, Sitamarhi in
connection with Sitamarhi SC/ST P.S. Case No. 50 of 2024
dated 16.12.2024 registered for the offence/s punishable u/ss
64(1) and 324(6) read with section 3(5) of the BNS and sections
3(1)(r)(s)(w)(i) / 3(2) (v)(vi) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant is alleged to have established physical relationship with the complainant on the pretext of marriage. Thereafter, the petitioner solemnized marriage with the complainant and when the complainant became pregnant, the appellant got the pregnancy terminated and used to establish physical relationship with her. When the family member of the appellant knew about the caste of the complainant, they started abusing by calling her caste name and denied to keep her in the house.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There was love affair between the appellant and the complainant and they have already solemnized the marriage. 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 12.04.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition 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 25.04.2025 passed by the learned Special Judge, SC/ST (POA) Act-cum-1st Addl. Sessions Judge, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 50 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 Special Judge, SC/ST



(POA) Act-cum-1st Addl. Sessions Judge, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 50 of 2024, with the condition/s:-

(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 bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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