

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1960 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- MAHILA THANA District- Begusarai

Pandu Lal Kumar S/O Tanuk Lal Singh R/O Village- Bangaliya, Ward no. 5,
Post- Rohiyar, PS- Manshi, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari D/O Mahesh Choudhary R/O Village-Bari Baliya, PS-
Ballia, (Baliya), Distt-Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Ravindra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 11-09-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 19.04.2025 passed by Learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Mahila P.S. Case No. 05 of 2025 under Sections 69, 316(2), 318(4), 351(2) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 3(1)(r)(s)(w) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on the pretext of marriage, the appellant has established physical relationship with the informant.



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. Learned counsel for the appellant also submits that there is delay of about nine months in lodging the FIR. The victim is a major girl and there was love affair in between them. It is next submitted that the victim has refused for the medical examination. 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 07.02.2025 and has got 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 and submits that the appellant is named in the FIR and there is specific allegation levelled against the appellant. Learned counsel for the informant also submits that the trial is in progress, one witness has already been examined in this case and the victim is yet to be examined. Hence, the appellant does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case 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 19.04.2025 passed by Learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai is hereby set aside.

7. Let the appellant be released on bail, *after examination of the victim by the learned Court below*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahila P.S. Case No. 05 of 2025, 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)

Rajorshi/-

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