

Arising Out of PS. Case No.-12 Year-2024 Thana- MAHILA P.S. District- Bhojpur

Yogesh Kumar S/O- BIJENDRA PRASAD GUPTA Resident of Village
Kazichak PS -Sandesh, District Bhojpur, Bihar

... Appellant/s

Versus

1. The State of Bihar PATNA
2. SEEMA KUMARI D/O- SRI JANKI PERMANENT R/O VILL.- LALATAPUR, P.O.- MAJHGAI, P.S.- CHAKARGHTA, DIST.- CHANDAULI, STATE- UTTAR PRADESH PRESENTLY RESIDING AT- GODHNA ROAD, KAILASH NAGAR. P.S.- ARA, DIST.- BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Soni Shrivastava, Advocate Ms. Aditi Sharma, Advocate Mr. Gaurav Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-02-2025 Heard learned counsel for the parties. Despite
valid service of notice , nobody appears on behalf of respondent
No. 2.

2. This appeal has been filed for setting aside order dated 27.04.2024 passed in a case registered for the offence punishable under sections 376 of the Indian Penal Code and sections 3 (i) (r), 3 (i) (s), 3 (i)(w) , 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , informant resides in a rented house and works in smart value company near Bihar Mill where she met the this appellant and they fell in love. It is further alleged that the appellant used to come at her rented house and establish physical relation with her. It is further alleged that in December 2023 , informant got pregnant and appellant forced her to take medicine due to which her pregnancy was terminated. It is further alleged that from 12.01.2024 to 26.01.2024, appellant kept informant in his room and forcefully administered her intoxicating medicine and left her in passenger train and went away from there. It is further alleged that the appellant started blackmailing informant by clicking her pictures and abused and threatened her by taking her caste name and stated that he would not marry her as she belonged to a different caste .

4. It is submitted that an ambiguous story has been provided without any specific date , month or year as to when informant met with appellant and relationship developed between them. It is further submitted that on her own account. The GRP police had met informant in Danapur Station . Despite being questioned by them , informant chose not to divulge any information neither lodged any case against the appellant which



indicated the deliberate intention of informant to extract money from the appellant. It is apparent that at the time , when relationship developed between the parties, they were major. Both of them enjoyed each other's company for a long time and indulged in sexual act. The relationship was consensual and the same cannot be said to be induced or involuntarily . Simply because the relationship does not work , that cannot be the ground to lodge F.I.R., under Section 376 of IPC against the appellant. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned learned 1st Additional Sessions Judge Cum Special Judge SC/St Act Bhojpur Ara in connection with Mahila Police Station Case No. 12 of



2024 .

(Prabhat Kumar Singh, J)

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