

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2070 of 2025

Arising Out of PS. Case No.-441 Year-2024 Thana- BODHGAYA District- Gaya

Dhananjay Kumar son of Late Kamlesh Singh village- Dhanwan, Ps- Bodh Gaya, dist- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Shimpi Kumari Daughater of Ramji Paswan village- pachhatti, Ps- Bodhgaya, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh, Adv.
For the Respondent/s	:	Mr. Usha Kumari 1, Spl.P.P.
For the Informant/s	:	Mr. Ajay Kumar Sinha, Adv.
		Ms. Varsha Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 18-09-2025 Heard learned counsel for the appellant and learned counsel for the informant 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 03.04.2025 passed in B.P. No. 1123/2025 by the Court of learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodh Gaya P.S. Case No. 441 of 2024 dated 12.09.2024 registered for the offence/s punishable u/ss 126(2), 115(2),



64(1), 81, 352, 351(2) and 351(3) of the B.N.S. and Sections 3(1)(r)(s)/3(2)(v)/3(1)(w)(ii) of SC/ST Act.

3. As per the prosecution case, the appellant is alleged to have established physical relationship with the informant on the pretext of marriage, thereafter he refused to marry, abused and threatened her for dire consequences.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The victim is a major girl who knows the consequence of the act of the appellant. Learned counsel has further submitted that the victim girl and the appellant chose to have physical relationship on their own will. It is further submitted that the informant has taken loan of Rs. 1,71,890/- from the petitioner and when the petitioner demanded his due amount then the informant lodged a false and concocted case. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated at para 4 of the bail petition. The appellant is in custody in this case since 15.02.2025. Learned counsel for the appellant placed reliance on the judgment in the case of **Mandar Deepak Panwar 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”.

5. Learned Spl.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 03.04.2025 passed in B.P. No. 1123/2025 by the Court of learned Exclusive Special Judge, SC/ST, Gaya in connection with Bodh Gaya P.S. Case No. 441 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 Exclusive Special Judge, SC/ST, Gaya in connection with Bodh Gaya P.S. Case No. 441 of 2024, with a condition:-

(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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