

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2634 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- SC/ST District- Kishanganj

Subodh Kumar S/o Anirudh Prasad R/o Village-Ayodhya Shankarpur,P.S.-
Munger Mufassil, district-Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Anjali Devi Ramrup Ram R/V- Kulamani, P.O.- Kishanganj, P.S.-
Kishanganj, District- Kishanganj

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	Mr. Roop Kishan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 03.04.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Kishanganj in a case registered for the offence punishable under Sections 323, 498A, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, informant, namely Anjali



Devi, alleged that this appellant came in contact with her after demise of her husband while she was working as a cook in the Police Station and thereafter, he made physical relations with her on various occasions on surety to look after her and her children and on 29.08.2023, both of them got married in a temple after which this appellant started pressurizing informant to make physical relations in the hotel and on refusal, abused her by caste name, assaulted her and thereafter, stopped picking her phone calls.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, victim is mother of four children. When the relationship developed between the parties, both of them were major and the informant was very much aware of the consequences of such relationship. The relationship continued for months and both of them enjoyed each others company. The relationship was consensual in nature and repeated intimacy and physical relations between the parties goes to show that it was not induced or under any pressure or misconception. It is only when the relationship between the parties broke down, this false and concocted case has been lodged. It is not the case of the prosecution that any member of



public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal and submitted that appellant is named in the F.I.R.. As a matter of fact, informant was working as a cook in the *Thana* and this appellant was posted as Sub Inspector in the area and during course of her duty, informant came in contact with this appellant and thereafter, on the false promise of marriage, this appellant established physical relations with the informant on multiple occasions and thereafter, he refused to marry her and also abused her by caste based slurs.

6. Considering the facts and circumstances of the case and specific and direct nature of accusation, appellant's prayer for grant of pre-arrest bail is rejected and this appeal stands dismissed.

(Prabhat Kumar Singh, J)

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