

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2881 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- RAJIVNAGAR District- Patna

Arun Kumar @ Bhola Yadav son of Subedar Yadav Mohalla- Gurgaia Ps-
Deo Dist- Aurangabad P/A- Khajpura Ps- Hawai Adda Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Harsha Kashinath Sardar D/o- Kashinath Sardar Village- Dhamori Jamthi
Ps- mana Dist- Akola Maharashtra P/A- House No- B-100, Gandhi Nagar
Patliputra Ps- Rajeev Nagar Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aman Vishal, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Krishna Deo Mishra, Advocate Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 17-04-2025 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 28.05.2024 passed by learned Exclusive Special Judge (SC & ST), Civil Court (Sadar), Patna in ABP No. 1929 of 2024 in connection with Rajeev Nagar P.S. Case No. 194 of 2024, instituted under Sections 376, 406, 420 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)(v)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. Prosecution case, in brief, is that this appellant induced informant into physical relationship on false pretext of marriage and during the said period, appellant received Rs. 5 lacs through online transaction and cash from her. It is alleged that thereafter, appellant abused informant by caste name and refused to solemnize marriage.

4. Learned counsel for the appellant submits that from perusal of the F.I.R. it is admitted position that in the year 2021, informant and appellant were working at Patliputra Railway Station. Informant was posted as RPF Constable and appellant as Assistant in CNW Medical department. Relationship between the parties was consensual and continued for three years. Both parties were major and fully aware of the consequences of such relationship as such, the same cannot be said to be induced or involuntary. Rest of the allegations are ornamental. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent No. 2 vehemently opposed the bail application.

6. Considering the fact that both parties were major



and relationship continued between them for years together, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (SC & ST), Civil Court (Sadar), Patna in connection with Rajeev Nagar P.S. Case No. 194 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 28.05.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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