

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3007 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- MAHILA PS District- Aurangabad

Vidyanand Kumar @ Vidhanand Kumar Son of Arjun Prasad Sharma R/O
Village- Tiwari Tola, P.S.- Saharsa Sadar, District- Saharsa. At Present posted
as Police Sub Inspector at Munger Muffasil Station

... .. Appellant/s

Versus

- 1 . The State Of Bihar Patna
2. Khusboo Bharti Daughter of Kamta Ram R/O Vill.- Gosaidih, P.S.- Tandwa,
Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For informant	:	Ms. Mukul Kumari , Advocate Mr. Jay Karan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 16.03.2024 passed in a case registered for the offence punishable under sections 341, 323, 376, 420, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) / w(i) (ii) /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 . It is alleged that informant came in contact with appellant during course of study at coaching institute at Patna and thereafter, both of them became friend. It is further alleged that on the false promise of marriage , this petitioner established physical relation with informant and thereafter, this petitioner started demanding dowry of Rs. 10 lacs to solemnize marriage with informant, on refusal by informant, petitioner refused to solemnized marriage with informant. It is further alleged that this appellant assaulted informant and abused her by caste name .

4. It is submitted that the entire prosecution case as set out in the F.I.R., is false and concocted. It is a case of prolonged love affair between two consenting adults which has been given a colour of forcible sexual intercourse with oblique purposes and motive . The acts of repeated intimacy and sexual relations were totally consensual in nature and were not established under any false promise, threat, duress or coercion It is hard to believe that the informant kept on bending to the demands of the appellant for a period of nearly 6 years without raising any protest to any quarter that the appellant was exploiting her sexually under the pretext of a false



promise of marriage . The sexual relations continued unabatedly between the parties, is sufficient to conclude that there was never an element of force or deceit in the relationship . It is not the case of informant that any member of public was present at the time of incident, 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 informant vehemently opposed the bail application and submitted that consent was obtained on the basis of false promise of marriage .

6. Considering the fact that relationship was consensual and continued for about 6 years and informant was major and and at the time when the relationship developed, informant was well aware of the consequences of such relationship as such, the same cannot be said to be induced or involuntary , clean antecedent and circumstances of the case , 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



Special Judge SC/St (Prevention of Atrocities) Act – cum –
Additional district & sessions Judge – I Aurangabad in
connection with Mahila Police Station Case No. 20 of 2024 .

(Prabhat Kumar Singh, J)

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