

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3457 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- Cyber P.S. District- Begusarai

Vikash Kunal @ Pappu Son of Girish Prasad Singh @ Sri Girish Pd. Singh,
R/o Village- Jinedpur, (Ginedpur) Near Middle School, Ward No. 05, Post-
Rajaura, Ps- Muffasil, Dist- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonam Kumari, Wife Of Vikash Kunal @ Pappu, R/o Village- Bajitpur (Wajitpur), Post- Mirjapur Bandwar, Ward No. 45, PS- Lakho, Dist- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Adv.
For the State	:	Mrs. Usha Kumari No.1, Spl.PP
For the Resp No.2	:	Mr. Brajesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-11-2025 Heard learned Advocate for the appellant, learned Special Public Prosecutor for the State and learned Advocate for the respondent no.2.

2. This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 28.06.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Begusarai Cyber (Cyber Begusarai) P.S. Case No.57 of 2023 registered for the offences punishable under Sections 461, 323, 324, 354C,



468, 469, 471, 504, 506 of the Indian Penal Code, Sections 3(i)(r)(S)(w), 3(2)(va) of the SC/ST, Act and Sections 66, 66(D), 66(E) and 67(A) of the Information Technology Act.

3. Based upon the written report, the prosecution alleges that the appellant, on the pretext of marriage sexually exploited the informant for five years and also procured her obscene photographs. When the informant tried to persuade the appellant and asked to delete the photographs, she was brutally assaulted and threatened with dire consequences. The prosecution also alleges that this appellant made the obscene photographs viral and defame the victim in the society.

4. Learned Advocate for the appellant taking this Court to the FIR has contended that admittedly both the parties are major and they have been in good relationship. Later on, they also solemnized marriage in a temple. To support the aforesaid contention, receipt of solemnization of marriage in a temple has been placed on record as Annexure-2. The victim also obtained a gas connection by stating the fact that the appellant is her husband. To buttress the aforesaid contention, a receipt of gas connection has also been placed on record.

5. Learned Advocate for the appellant further contended that in fact after the marriage, the victim herself left the house and in order to restitution of conjugal rights, the



appellant has also filed Matrimonial Case No.69 of 2023, which is pending consideration before the Family Court, Begusarai. In the aforesaid premise, it is contended that in any view of the matter, no case, much less under the penal provisions of the SC/ST Act is made out. So for the allegation of making the photographs viral is concerned, the appellant expressly denied this allegation and submitted that the same has been done by other person and not by him.

6. On the other hand, learned Advocate for the State as well as learned Advocate for the respondent no.2, vehemently opposed the bail application and submitted that even if for the sake of argument, it is accepted that the both the parties were in relationship for the last 3-4 years, that does not grant license to the appellant to make those obscene photographs viral. Moreover, the appellant bears six criminal antecedent.

7. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, especially series of papers, which suggest that both the parties were living as a husband and wife and, later on, on account of some dispute, the victim left the house; however, even if the allegation is taken to be true, no penal provision much less under the SC/ST Act is made out; so far the criminal antecedent of the appellant is concerned, the



same has also been explained by filing a supplementary affidavit, wherein it is categorically stated that out of six cases, the appellant has been acquitted in one case and in two of the cases, one has been dismissed at the enquiry stage and the police has submitted final form in another case and the reamining cases are trivial in nature, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Begusarai Cyber (Cyber Begusarai) P.S. Case No.57 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellant.

8. In view of the aforesaid fact, the impugned order dated 28.06.2024 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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