

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3535 of 2024**

Arising Out of PS. Case No.-761 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Shrawan Yadav S/o Kaleshwar Yadav, R/o Village- Baluaha, Ward No. 8, P.S-
Sonbarsha Kachahari, Distt.- Saharsa.

... .. Appellant

Versus

1. The State of Bihar
2. Manisha Kumari D/o Ramashankar Paswan, R/o Village- Amarpur, Ward
No. 8, P.S- Sonbarsha Kachahari, Distt.- Saharsa.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned
counsel for the informant and the learned Special Public
Prosecutor appearing on behalf of the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail *vide*
order dated 01.05.2024 passed by the learned Additional
Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Saharsa
in connection with Saharsa Sadar P.S. Case No. 761 of 2023
dated 25.10.2023, registered for the offences punishable under
Sections 341, 323, 504, 506 and 376 of the Indian Penal Code
read with Section 34 of the Indian Penal Code and under
Sections 3(1)(d), 3(1)(r) and 3(2)(v) of the SC/ST (PoA) Act.



3. As per the prosecution case, the appellant and informant got married on mutual consent and they also established physical relationship. It is further alleged that the when the appellant took the informant to his house, his family members started abusing her caste name and also assaulted her by fists and slaps. It is lastly alleged that informant is two to three months pregnant.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in the present case. Learned counsel next submitted that the alleged occurrence took place on 21.08.2023, however the FIR was instituted on 25.10.2023, after a delay of around two months without any explanation for the said delay, afterthought only to harass the appellant and his family members. Learned counsel further submitted that appellant and informant established physical relationship on mutual consent, hence Section 376 of the Indian Penal code is not made out against the appellant. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged occurrence, hence no case is made out under SC/ST Act against the appellant. The appellant has clean



antecedent as stated in paragraph no. 3 of the bail petition. The appellant is in custody since 27.10.2023.

5. Learned counsel for the informant as well as learned Special Public Prosecutor for the State has vehemently opposed the bail petition of the appellant.

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 01.05.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Saharsa, in connection with Saharsa Sadar P.S. Case No. 761 of 2023 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 only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Saharsa in connection with **Saharsa Sadar P.S. Case No. 761 of 2023.**

(Chandra Prakash Singh, J)

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