

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3751 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- JOGAPATTI District- West Champaran

Chaturi Sah Son of Nathuni Sah R/V- Village- Rampurwa, P.S.- Yogapatti,
Distt.- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chanda Devi Wife of Jiyal Ram R/V- Village- Kauahan Laxmipur, P.S.-
Sirisiya, O.P., Distt. - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aditya Nath Jha
For the Resp No. 2	:	Mr. Randhir Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

7 27-03-2025 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special Public
Prosecutor for 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
10.07.2024 passed by the learned Additional District and Sessions
Judge 1st -cum- Special Judge, SC/ST (POA) Act, Bettiah in
Yogapatti P.S. Case No. 137 of 2024 dated 09.04.2024 registered for
the offence/s punishable u/ss 341, 323, 379, 504,506 of the Indian
Penal Code and sections 3(i)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the petitioner namely
Chaturi Sah is alleged to have established illicit physical relation



with the informant on the pretext of taking care of her and provide all expenses. It is further alleged that the petitioner took money many times from the informant and also snatched her mobile, while the informant protested, then the petitioner along with his family members assaulted her and also abused by calling her caste name and gold top from her ear and gold ring from her hand worth Rs. 16000/- were snatched away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. 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 incident hence no case is made out under SC/ST Act. The victim is a major girl aged about 30 years who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. As per medical report, there is no fresh sign of sexual assault. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. The appellant has no criminal



antecedent as stated in para 3 of the bail petition. The appellant is in custody since 15.06.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. 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 10.07.2024 passed by the learned Additional District and Sessions Judge 1st -cum- Special Judge, SC/ST (POA) Act, Bettiah in Yogapatti P.S. Case No. 137 of 2024, 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st -cum- Special Judge, SC/ST (POA) Act, Bettiah in Yogapatti P.S. Case No. 137 of 2024.

(Chandra Prakash Singh, J)

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