

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5093 of 2024**

Arising Out of PS. Case No.-189 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Amit Kumar S/O Virendra Yadav @ Virendra Prasad Resident of Village-  
Kalanour, P.S.- Makhdumpur (Tehta), District- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sahiba Kumari D/O Vijay Paswan R/O Mohalla- Tehta Durga Sthan, P.S-  
Tehta, Distt.- Jehananbad.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Gajendra Kumar Singh  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 3      08-01-2025      1. Heard learned counsel for the appellant and learned  
Additional Public Prosecutor for the State.
2. An order, dated 25.07.2024, passed by learned 1<sup>st</sup>  
Additional Session Judge -cum- Special Judge SC/ST  
Act, Jehanabad, in ABP No. 852 of 2024, is under  
challenge in the present appeal preferred under Section  
14-A (2) of the Schedule Caste and Schedule Tribes  
(Prevention of Atrocities) Act, 1989, whereby the  
anticipatory bail application of the appellant in  
connection with Makhdumpur (Tehta OP) Police Station  
Case No. 189 of 2024 registered for the offence  
punishable under Sections 376 of the Indian Penal Code



and Section 3 (1)(r)(s)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The allegation against the petitioner is that he established physical relationship with the victim on the pretext of marriage.
4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case and the informant has submitted an application before learned Special Judge SC/ST Act, Jehanabad, that no offence has been committed by the appellant against her and she has lodged the case at the instance of villagers.
5. I have heard learned counsel for the appellant and have gone through the materials available on records.
6. It appears that during the course of investigation, the statement of victim was recorded under Section 164 of the Code of Criminal Procedure, in which, she has supported the prosecution case that on the false premise of marriage, the appellants established physical relationship with her continuously. It also appears that during the course of investigation and supervision the case has been found true against the appellant. The



medical examination report also supports the allegation that victim was sexually exploited.

7. Having heard learned counsel for the parties and taking into consideration the materials available on record, including the finding arrived at by learned Special Judge SC/ST Act, Jehanabad, and the fact that the offence lodged against the appellant is not compoundable, I am not inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, rejected and the order, dated 25.07.2024, passed by learned 1<sup>st</sup> Additional Sessions Judge -cum- Special Judge SC/ST Act, Jehanabad, in ABP No. 852 of 2024, is hereby affirmed.

(Anil Kumar Sinha, J)

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