

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5213 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- SC/ST District- Rohtas

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1. Anand Kumar S/o Baliram Singh Resident of Village - Bilari, Police Station-
Karagahar ,District- Rohtas Sasaram

... .. Appellant/s

Versus

1. The State of Bihar
2. Khusbu Kumari D/o Sanjay Rajak R/o vill - Dadhaw, P.O. - Dadhaw, P.S. -
Dinara, Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 18-01-2025 1. Heard learned Counsel for the appellant and
learned Additional Public Prosecutor for the State.
2. An order dated 18.10.2024, passed by learned
Additional District & Sessions Judge XVII-cum-Exclusive
Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in SC/ST
PS Case No. 47 of 2024, is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
the anticipatory bail application of the appellant in connection
with SC/ST PS Case No. 47 of 2024 registered for the offences
punishable under Sections 341/323/376/504/34 of the Indian
Penal Code and Section 3 (1)(s), 3(1)(w), 3(2)(v) of the



Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant, aged about 23 years, was living in the house of appellant's father as a tenant. On 25.07.2022 at about 8 pm, the appellant entered into the room of the informant and proposed her for marriage and established physical relationship with the informant. The relationship continued for 02 years and on 17.02.2023, the appellant married the informant in a room by putting vermilion on her forehead. Subsequently, appellant took her to his village on 18.02.2023 where she was insulted and assaulted by the appellant's family members. Thereafter, appellant took her back to Sasaram and stayed with her as husband and wife, however on 06.07.2024, the appellant left the informant in the room and went away and since then, he has not come and is absconding. It has further been alleged that family members of the appellant abused and assaulted the informant in the room, where she was living with the petitioner.

4. Learned Senior Counsel appearing on behalf of the appellant submits that there was consensual relationship between the appellant and informant. Referring to F.I.R., learned counsel submits that the appellant developed attraction towards



the informant, proposed her and married her also but it was the family members who are not accepting the informant as the wife of the appellant. He further submits that the allegation of rape is not substantiated by the First Information Report itself, inasmuch as consensual relationship between the appellant and the informant continued for a fairly long time and there is no allegation that from the very inception, the intention of the appellant was to cheat and deceive the informant.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the informant was humiliated, abused and tortured/assaulted by the family members of the appellant. The co-accused persons i.e. the family members of the appellant also came at the place where the informant was residing with the appellant at Sasaram and assaulted and abused her also.

6. Having heard learned Counsel for the parties and taking into consideration the fact that relationship between the appellant and the informant continued for a fairly long time and appellant claims to have married the informant after putting vermilion on her forehead and there is no allegation that from the very inception, the appellant was not willing to marry the informant, I am inclined to grant anticipatory bail to the



appellant.

7. Accordingly, this appeal is allowed and the order dated 18.10.2024, passed by learned Additional District & Sessions Judge XVII-cum-Exclusive Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in SC/ST PS Case No. 47 of 2024, is set aside.

8. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge XVII-cum-Exclusive Special Judge, SC/ST (POA) Act, Rohtas at Sasaram in SC/ST PS Case No. 47 of 2024.

(Anil Kumar Sinha, J)

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