

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5507 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST District- Patna

Arnav Kumar Sikdar Son Of Nirmal Kumar Sikdar R/O Bangali Colony,
Belbag, Ward No.32, Bettiah, P.S.- Bettiah (TOWN), Distt.- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Choudhary D/O Hari Narayan Choudhary R/O Rukunpura, Patel Chowk, P.S.- Rupaspur, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-04-2025 Heard learned counsel for the appellant, respondent
No. 2 and the State.

2. This criminal appeal has been filed against the order dated 18.10.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in ABP No. 6369 of 2023 in connection with Patna SC/ST P.S. Case No. 10 of 2023, instituted under Sections 376, 420, 504, 506/34 of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act and Sections 3(i)(r) (s) w(ii)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Prosecution case, in brief, is that informant and



appellant became friends through mobile phone in the year 2014 and thereafter, the friendship continued for years together. It is alleged that on pretext of marriage, this appellant established physical relation with the informant and later on, refused to marry her.

4. Learned counsel for the appellant submits that from bare perusal of the F.I.R. it is apparent that at the time when friendship developed between the parties, both appellant and informant were major and they enjoyed each other's company for more than 10 years and indulged in sexual act, being fully aware of the consequences of the relationship. The relationship between the parties was consensual, as such, the same cannot be said to be induced or involuntary. F.I.R. has been lodged after inordinate delay of more than nine years without any plausible explanation. Moreover, there is no allegation in the F.I.R. that appellant abused the informant by caste name, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that consent was obtained on the basis of false promise of marriage.



6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in ABP No. 6369 of 2023 in connection with Patna SC/ST P.S. Case No. 10 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 18.10.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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