

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5511 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- MUFFASIL District- Aurangabad

Kaiser Ansari @ Kausar Ansari S/o Intaf Ansari R/o vill - Vishrampur, P.s. -
Aurangabad Muffasil, Distt. - Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. X, R/o vill - Vishrampur, P.S. - Aurangabad Muffasil, Distt.- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Ms. Nutan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 08.10.2024 passed by Special Judge SC/ST cum 1st Additional District and Sessions Judge, Aurangabad, Bihar whereby the prayer for bail of the appellant in connection with Aurangabad Muffasil P.S. Case No. 293 of 2024 under Sections 64 of the BNS and 3/4 of Dowry Prohibition Act and Sections 3(i)(r),(s)/3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that appellant established physical relations 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. Learned counsel further submitted that there is a delay of nineteen days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that on perusal of the FIR it appears that there was consensual relationship between the appellant and the victim for more than one year. He has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**. Learned counsel further submitted that informant is victim herself and both, i.e. victim and the appellant are major. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 17.08.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant, stating that victim in her statement recorded under Section 183 of the BNSS has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.10.2024 passed by Special Judge SC/ST cum 1st Additional District and Sessions Judge, Aurangabad, Bihar in connection with Aurangabad Muffasil P.S. Case No. 293 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad Muffasil P.S. Case No. 293 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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