

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.135 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- SC/ST District- Nalanda

Satyendra Malakar S/o- Suresh Malakar R/o- Nai Sarai Sangat Gali PS- Bihar
Distt- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Guriya Kumari Raj Kumar Paswan R/O- Mananki, P.S.- Rahui, District-
Nalanda, At present- Kunti Devi Bair Open Guriya Kumari, Amber Uchka
Par, P.S.- Bihar District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sushen Kumar Keshri, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ranvijay Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 03-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 30.09.2024 passed by learned Additional
Sessions Judge-VI-cum-Special Judge SC/ST Act, Bihar Sharif,
Nalanda whereby the prayer for bail of the appellant in
connection with SC/ST P.S. Case No. 23 of 2024 under Sections
341, 323, 376 of the Indian Penal Code read with Sections 3(1)
(r), 3(1)(s), 3(1)(w)(i) and 3(2)(v) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, on the pretext of marriage, the appellant established physical relation with the informant and later on denied for marriage and also threatened her for dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the informant has made physical relation with the appellant on her own will and she is a major lady. The informant has filed several false cases against other persons. It is further submitted that medical report of the informant shows that no external and internal injury found on her private part and no evidence suggesting recent sexual intercourse has been found. Hence, medical report of the informant does not support the prosecution case. 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 03.08.2024 and has two criminal antecedents in which he is on bail.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

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 30.09.2024 passed by learned Additional Sessions Judge-VI-cum-Special Judge SC/ST Act, Bihar Sharif, Nalanda is hereby set aside.

7. Let the appellant 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 SC/ST P.S. Case No. 23 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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