

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.752 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- SC/ST District- Nawada

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Ganesh Kumar @ Ganesh Saw Son of Rajendra Saw Resident of Village-
Rupaw, P.S.- Rupo, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi Wife of Shankar Paswan Resident of Village- Balua, P.S.-
Kauwakol, Distt.- Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Man Mohan Kumar, Advocate
For the Informant	:	Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl PP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

4 25-02-2026 Heard learned counsel for the appellant, learned
counsel for the Respondent No. 2 and learned Special Public
Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order dated
30.11.2024 passed by learned Exclusive Special Judge, SC/ST
(PoA), Act Nawada, in A.B.P. No. 3008 of 2024 in connection
with SC/ST P.S. Case No. 64 of 2024, registered under Sections
323, 363, 365, 366 and 376 of the I.P.C. read with Sections 3(1)
(x) of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the prayer for grant of



anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant, Radha Devi, who is a married lady alleged that the appellant Ganesh Saw took advantage of her vulnerability and trapped her in a "love trap" by making false promises of marriage and repeatedly establishing physical relations with her under the continued pretext that they would eventually marry. On 19.05.2024 when the informant asked the appellant for marriage then the appellant refused to marry with her. Consequently, informant Radha Devi went to the house of the appellant to inform them of the situation then the appellant and the co-accused persons started beating her due to which she sustained severe injury and all the accused persons tried to burn her by sprinkling kerosene oil and also snatched gold chain worth of Rs. 1,00,000/- from her neck. On *hulla*, nearby people intervene and saved her life.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. It is further submits that victim-informant is a major lady who is married from before claims to be 25 years old and she appears to be a consenting party. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act,



is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent no. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that the allegation is serious in nature and the appellant is alleged to have established physical relationship with the victim-informant on false pretext of marriage which created hurdle in her married life.

6. Considering the entire facts and circumstances of the case and the fact that the appellant bears clean antecedent coupled with the fact that the victim is a major lady who was already married and she appears to be a consenting party and allegation does not come under the purview of SC/ST Act, let the above named appellant in the event of his arrest/surrender within a period of six weeks 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 the learned Exclusive Special Judge, SC/ST (PoA), Act Nawada, in connection with SC/ST P.S. Case No. 64 of 2024, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the



Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 30.11.2024 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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