

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4348 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- MAHILA P.S. District- Muzaffarpur

Ayush Kumar S/o Shailendra Kumar R/o Village - Balughat, P.S - Town
(Muzaffarpur), District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Tara Kumari D/o Raj Kishor Rajak R/o Village - Bari Karbala, P.S - Nagar,
District - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Suresh Singh, Advocate
For the State	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Arvind Prasad Singh, Advocate

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

ORAL ORDER

3 22-01-2026 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 10.09.2025 passed by learned Special

Judge, SC/ST (PoA) Act, Muzaffarpur whereby the prayer for

bail of the appellant in connection with Muzaffarpur Mahila PS

Case No. 61 of 2025 instituted under Sections 303(2), 69, 352,

351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and

Sections 3(i)(r)(s), (w)(i), (w)(ii) & 3(2)(va) of SC/ST Act was

rejected.

3. Prosecution case, in short, is that appellant on the



pretext of marriage made sexual relationship with the informant several times.

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. It is submitted that victim is major and the sexual relationship so established shall be construed to be consensual in nature. It is next submitted that no earlier complaint was lodged in this regard. Learned counsel for the appellant 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 Maharashtra & Ors)*** and ***(2019) 9 SCC 608 (Pranod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***. 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 22.08.2025 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.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 10.09.2025 passed by learned Special Judge, SC/ST (PoA) Act, Muzaffarpur is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muzaffarpur Mahila PS Case No. 61 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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