

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No. 492 of 2025

....
Rahul Kumar

.....Appellant

Versus

1. The State of Jharkhand

2. Victim

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mrs. Vani Kumari, Advocate

For the State : Mr. Nawin Kr. Ganjhu, A.P.P

.....
Order No: 06/Dated: 16.09.2025

This Criminal Appeal has been filed on behalf of the appellant by challenging the order dated 19.04.2025 passed in M.C.A No. 352 of 2025 by the learned Special Judge, SC/ST Act, Dumka in connection with Saraiyahat P.S Case No. 91 of 2024 corresponding to SC/ST Case No. 18 of 2024 instituted for the offences under Sections 376 (2)(n) of the I.P.C and Section 3(1)(r) of SC/ST(POA) Act by which the bail of the appellant has been rejected.

2. As per the F.I.R lodged on 20.07.2024, the appellant is alleged to have established physical relationship with the informant 3-4 times on the pretext of marriage and later on, he refused to marry with her and threatened her of dire consequences. She also alleged that even the family members of the appellant have also helped him to establish physical relationship with her.

3. Heard learned counsel for the appellant and learned counsel for the State.

4. Learned counsel for the appellant has submitted that the impugned order passed by the learned Court below is illegal, arbitrary and not sustainable in the eye of law. It is submitted that the appellant is innocent and has committed no offence.

It is submitted that the victim lady is a major lady aged around 21 years and she has established physical relationship with the appellant on her own, though she was married. It is submitted that the State has filed counter affidavit on 24.07.2025 and has enclosed the notice to the victim girl-Respondent No. 2 and notice was received by her mother-in-law namely Sunita Devi who stated that the victim girl has married with some other person also and has gone somewhere.

It is further submitted that the victim girl is a major girl and she cannot be forced to establish physical relationship. It is submitted that the appellant is in custody since 30.07.2024 and hence, the appellant may be enlarged on bail.

5. On the other hand, learned counsel for the State has opposed the prayer and submitted that the appellant has been named in the F.I.R for committing rape upon the victim girl several times on the pretext of marriage. It is submitted that the victim girl has supported the said fact during her statement

recorded under Section 164 Cr.P.C and even during cross-examination while being examined as P.W-4 before the learned Trial Court below and hence, the prayer for bail of the appellant may be rejected.

7. Perused the F.I.R, statement of the victim girl recorded under Section 164 Cr.P.C and statement of witnesses examined as P.W-1 to P.W-5 including the victim girl and considered the submission of both the sides.

8. It reveals from the F.I.R that the victim girl is a married women and was aged around 21 years. However, the appellant is alleged to have induced the victim girl and established 3-4 times physical relationship with her on the pretext of marriage.

9. From the Statement of victim girl recorded under Section 164 Cr.P.C, it would appear that she was on talking terms with the appellant since last one year and she has voluntarily established physical relationship with the appellant when the appellant assured her of marrying with her.

10. It also appears that P.W-1 and P.W-2 namely Vijay Das and Hemlal Mistri have been declared hostile. P.W-3 is the victim girl herself and she admitted to have established physical relationship with the appellant who had assured her to keep her and her children.

11. P.W-4 is the father of the victim girl and he also stated that

the appellant was having love affair with the victim girl. However, the marriage could not be performed between them as his daughter i.e. the victim girl is a married girl.

12. P.W-5 is the mother of victim girl and she has tried to support the case of her daughter and admitted that the appellant and her daughter were having love affairs.

13. Accordingly, the impugned order dated 19.04.2025 passed in M.C.A No. 352 of 2025 by the learned Special Judge, SC/ST Act, Dumka in connection with Saraiyahat P.S Case No. 91 of 2024 corresponding to SC/ST Case No. 18 of 2024 is set aside.

14. Considering the fact that the victim girl had established physical relationship with the appellant on her own and she is married and major lady, the appellant namely Rahul Kumar is directed to be released on bail on furnishing bail bonds of Rs. 15,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Dumka.

15. Thus, this Criminal Appeal (S.J) No. 492 of 2025 is allowed and stands disposed of.

(Sanjay Prasad, J.)

Dated: 16.09.2025

Avinash/