

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.804 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Madhepura

Santosh Yadav @ Santosh Kumar Yadav Son of Late Ravindra Yadav
Resident of Village - Betauna, Ward No.- 12, Police Station and District -
Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Devi W/O Ramesh Rajak R/O vill - Baitavna Ward no 12 , P.S.
Madhepura (Bhararhi O.P) Dist Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmanand Kumar, Advocate
For the Respondent/s	:	Ms. Anita Kumari Singh, SPP
For the Informant	:	None

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

ORAL ORDER

8 07-08-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State. None appears on behalf

of the informant despite notice being validly served. Perused

the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 18.09.2024 passed by learned Additional
District and Session Judge 1st-cum-Special Judge, SC/ST Act,
Madhepura whereby the prayer for bail of the appellant in
connection with Madhepura Sadar Mahila P.S. Case No. 6 of
2024 under Sections 341, 376, 504, 506 of the Indian Penal
Code and Sections 3(i)(r)(s)(w), 3(ii)(ra) of SC/ST Act was



rejected.

3. Allegation against the appellant is of commission of rape upon the victim girl on the point of pistol. It is further alleged that the appellant also abused the victim by caste name.

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 three days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. There is no eye-witness to the occurrence, nor there is any medical report to establish the case under Section 376 of the IPC. 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. Charge-sheet has been submitted in this case. The appellant is in custody since 14.07.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that this appellant committed



wrongful act with her.

6. Considering the aforesaid facts and circumstances of the case as also Section 164 Cr.P.C. statement of the victim, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the appeal stands dismissed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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