

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1679 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- MOHANPUR District- Gaya

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Jacky Kumar @ Jaicky Kumar @ Jacky Kumar Yadav S/o Late Manoj Yadav
@ Late Basdev Yadav Resident of village - Mohashim Chak, P.S. - Mohanpur,
Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Smt. Usha Devi W/o Kamlesh Manji R/o vill - Mohasim Chak, P.S. -
Mohanpur, Distt.- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Binay Kumar , Advocate
For the Respondent/s	:	None
For respondent No. 2	:	Mr. Akash Kumar Mishra, Advocate Mr. Abhay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2025 Nobody appears on behalf of State .

2. Heard learned counsel for the appellant and
respondent No. 2 .

3 . This appeal has been filed for setting aside order
dated 02.04.2025 , passed in a case registered for the offence
punishable under sections 126 (2), 115 (2), 64 (1) , 352 of
BNS and sections 3(i)(r)(s)(w)/3(2)(v)(a) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.

4. As per the prosecution case , on 16.02.2025 at



about 6:00 PM, while informant was returning home after working in her field, in the meanwhile , this appellant apprehended her and took her to the wheat field and forcibly committed rape upon her. It is further alleged that when husband of informant went to make complaint, accused persons abused him by caste name and threatened with dire consequences.

5 . It is submitted on behalf of appellant that appellant has falsely been implicated in this case . As per F.I.R. alleged occurrence is said to have been took place on 16.02.2024 but F.I.R. has been lodged on 21.02.2024 i. e ., after the delay of 6 days for which there is no plausible explanation . It is further submitted that informant claimed her age to be 37 years but her actual age is about 50 years. During investigation , I. O has not found any sign of dragging or throwing the victim in wheat field which itself creates doubt over the veracity of the prosecution case . Appellant claims clean antecedent.

6. Learned counsel for the respondent No. 2 opposed the bail appeal and submitted that this appellant forcibly committed rape with informant and also abused the informant's husband by caste name .

7. Considering the aforesaid facts of the case , I do not find any reason to interfere with the impugned order,



accordingly this appeal is dismissed.

(Prabhat Kumar Singh, J)

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