

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1870 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- MOHANPUR District- Gaya

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Gora Yadav @ Nitish Kumar @ Gora Kumar son of Ram Prasad Yadav
Village- Itahari Police Station- Mohanpur District -Gaya

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Munni Devi @ Mannu Devi wife of Ravindra Paswan Resident of Village-
Itahari, Ps- Mohanpur, dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Deepak Kumar, Adv. Mr. Sharda Nand Mishra, Adv. Ms. Isha Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 27-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 09.04.2025 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya in B.P. No. 1165/2025 arising
out of Mohanpur P.S. Case No. 125 of 2024 dated 14.06.2024
registered for the offence/s punishable u/ss 341, 323, 379, 504,
354, 506 read with section 34 of the Indian Penal Code and



sections 3(1)(r), 3 (1) (s), 3 (1) (w) (I), 3(2) (v) of the SC/ST (POA) Act.

3. As per the prosecution case, earlier six miscreants are alleged to have committed rape on the informant's minor daughter for which a case was lodged. It is further alleged that the appellant and the co-accused persons approached the informant and threatened to withdraw the earlier case lodged by the informant and they also assaulted her and her family members with lathi, danda, pistol and abused by taking her caste name and also threatened of dire consequences.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. It is further submitted that no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. The occurrence took place on 06.06.2024 but the fardbeyan was given on 09.06.2024 after a delay of three days and there is no explanation for this delay. It is further submitted that for the same offence, two different FIR's have been registered by the informant, i.e. Mohanpur P.S. Case No. 83 of 2024 and



Mohanpur P.S. Case No. 125 of 2024. Nothing has been recovered from the conscious possession of the appellant. Learned counsel has further submitted that as per the injury report of the injured mentioned in the case diary, the injury is simple in nature caused by hard and blunt substance. The co-accused person has already been granted bail by this court vide order dated 15.05.2025 passed in Cr. Appeal (SJ) No. 5272/2024. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.01.2025.

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 09.04.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 1165/2025 arising out of Mohanpur P.S. Case No. 125 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Judge,
SC/ST (POA) Act, Gaya in B.P. No. 1165 of 2025 arising out of
Mohanpur P.S. Case No. 125 of 2024.

(Chandra Prakash Singh, J)

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