

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2001 of 2025**

Arising Out of PS. Case No.-19 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Shekhar Rai @ Chandra Shekhar Rai S/O Ram Awadhesh Ray R/V -Pateshar
PS-Chand Dist-Kaimur (Bhabua)

... .. Appellant/s

Versus

1. The State of Bihar
2. Aradhana Kumari D/O Keshnath Paswan R/V -Pateshar PS-Chand Dist-Kaimur (Bhabua)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Mishra, Adv.
For the Respondent/s : Mr. Binay Krishna, APP

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

ORAL ORDER

4 21-08-2025 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 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 19.04.2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 19 of 2025 dated 15.03.2025 registered for the offence/s punishable u/ss 126(2), 115(2), 64 and 351(2)(3) of B.N.S. and Section 3(i)(w), 3(2)(v) of SC/ST Act.



3. As per the prosecution case, the appellant is alleged to have committed rape on the informant thrice.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is love affair between the appellant and the victim. It is further submitted that no member of public was present at the relevant point of time of the incident. As per the medical report of the victim, there is no sign of any physical assault was found and sexual assault could not be ascertained. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody in this case since 19.03.2025.

5. Learned Spl.P.P. for the State has vehemently opposed the prayer of bail of the appellant and submitted that as per photocopy of the school certificate, the victim is a major girl. The victim has stated her age as 20 years during the recording of her statement under Section 183 of the B.N.S.S.

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



19.04.2025 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 19 of 2025 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 Court of 1st Additional District & Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No. 19 of 2025, with the condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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