

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1977 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- MADHEPUR District- Madhubani

1. Raju Yadav @ Rajani Kant Raju @ Raju Son of Tuntun Yadav @ Rajendra Kumar Rakesh Resident of Village - Agargarha, P.S.- Marouna, District - Supaul.
2. Jyotish Yadav @ Jyotish Kumar Son of Jugatlal Yadav Resident of Village - Agargarha, P.S.- Marouna, District - Supaul.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sanju Kumari Daughter of Shiv Kumar Saday Resident of village - Kaparphora, Mahisham Ward No.- 10, P.S.- Madhepur, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Hriday Narayan Harshit, Adv
For the Respondent/s	:	Mr.Sadanand Paswan, Sp.PP
For the Informant	:	Mrs. Malti Kumari, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-07-2025 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(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 24.04.2025 passed by the learned District & Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Madhubani in G.R. No. 133 of 2024 connection with Madhepur P.S. Case No.



123/2024 dated 30.08.2024 registered for the offence/s punishable u/s 70(2) of the B.N.S and Sections 3(1)(r)(w) and 3(2)(v) of the SC/ST Act and Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 29.08.2024 at around 10 pm, the complainant had gone to *Bochhi Dhalan* with her sister-in-law and some girls of the village to see the Janmashtami fair. While visiting the fair, her sister-in-law and others with her got separated in the fair. When she was returning to home, the appellants and the co-accused, Raja Kumar and others started following her and at around 2 o'clock in the night, five people riding two motorcycles surrounded her and Abhay Kumar Yadav and his companions tied her mouth with a *dupatta* and made her sit on the motorcycle forcefully and took her to Agarraha Gachi, where all the accused persons committed raped on the complainant one by one and when the complainant's health started deteriorating, they left her near Belwa dam and ran away.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has



further submitted that no particular caste name has been called by the appellants hence no case under the SC/ST Act is made out against the appellants. The victim in her statement recorded u/s 183 of the B.N.S.S has not stated the name of the appellants in the crime alleged. As per the Medical Report, there is no medical evidence of sexual assault and the age of the victim is assessed as 19 years. Learned counsel has submitted that the date of occurrence is 30.08.2024 and the victim was medically examined on 01.09.2024. The other co-accused persons have already been granted bail by this court *vide* order dated 08.05.2025 passed in Cr. Appeal (S.J.) 418/2025. The appellants have no criminal antecedent as stated at para 3 of the bail petition. The appellants are in custody since 26.11.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of bail.

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 appellants, the impugned order dated 24.04.2025 passed by the learned District & Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Madhubani in G.R. No. 133 of 2024 connection with Madhepur P.S. Case No.



123/2024 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-1-Cum- Special Judge, SC/ST Act, Madhubani in G.R. No. 133 of 2024 connection with Madhepur P.S. Case No. 123/2024, with the condition:-

(i). The appellants are 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 appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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