

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2133 of 2025**

Arising Out of PS. Case No.-11 Year-2025 Thana- SC/ST District- Khagaria

Ajit Kumar S/o Prem Kumar Village/Mohallah- Dan Nagar, Ward No. 12,
P.S.- Khagaria, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupa Devi W/o Sanjay Ram Village- Babuaganj, Khagaria, P.S.- Khagaria,
District- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Aditya Kumar, Advocate

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

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant against the order dated 13.05.2025 passed by learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Khagaria whereby the prayer for bail of the appellant in connection with SC/ST P.S. Case No. 11 of 2025 under Sections 126(2), 115(2), 76, 351(1), 3(5) of the BNS and Sections 3(1)(r) (s), 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that the informant and her 12-year old daughter were assaulted, abused with caste



slurs, and molested by accused persons while working at Nitu Kumari's house.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to family land dispute and dirty local politics. Learned counsel further submitted that, as a matter of fact, the present case has been lodged by the informant under the influence of Nitu Devi, who is the own sister-in-law of the appellant due to land dispute with her and also by way of counter-blast action of complaint case being Complaint Case No. 134C of 2025 which was lodged by the father of the appellant against her. 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. The appellant is in custody since 17.04.2025 and has three criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that there is direct allegation against the appellant of disrobing the informant's daughter and the victim in



her statement recorded under Section 183 of the BNSS has supported the contents of the FIR.

6. Considering the aforesaid facts and circumstances of the case, the present case being counter-blast to the complaint case lodged by the father of the appellant and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 13.05.2025 passed by learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Khagaria is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with in connection with SC/ST P.S. Case No. 11 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.



(III) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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