

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2167 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- ARER District- Madhubani

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Raushan Yadav @ Raushan Kumar S/O Guru Sharan Yadav Resident of
Village- Champa, PS- Arer, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Domani Devi W/O Ghuran Das Resident of Village- Champa, PS- Arer,
Dist- Madhubani

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Bhavesh Kumar Sah
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr. Saroj Kumar Choudhary

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

ORAL ORDER

5 13-11-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 06.05.2025 passed by the learned
Additional Sessions Judge-1st-cum-Special Judge, SC/ST,
Madhubani in connection with Arer P.S. Case No. 48/2025 dated
15.03.2025 registered for the alleged offences punishable under
Sections 126(2), 115(2), 64, 352, 351(2) read with Section 3(5)
of the B.N.S. and Sections 3(2)(va), 3(2), 3(1)(r), of the
Scheduled Castes and Scheduled Tribes Act.



3. As per the prosecution case, the appellant is alleged to have committed rape on the informant's daughter and threatened her to kill his brothers if she would tell anyone. When the informant along with his son went to the house of the appellant to protest, the co-accused persons holding lathi-danda started abusing by calling their caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The victim is a major girl. The appellant has no criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 15.03.2025.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant by submitting that the specific allegation of committing rape is against the appellant. As per the Medical Report, there is sign of recent vaginal penetration, however, final opinion is reserved pending the availability of F.S.L. reports.



6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 06.05.2025 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST, Madhubani in connection with Arer P.S. Case No. 48/2025 and accordingly, the prayer for bail of the appellant is rejected and learned court concerned is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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