

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2230 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- BIHAR District- Nalanda

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1. Vishwanath Pratap Singh @ B. P. Singh @ Vishvnath Kumar Son of Ramdev Yadav R/O Village -Indwas PS Rahui District Nalanda
 2. Subhash Kumar Son of Ram Pravesh Prasad R/O Village -Indwas , PS Rahui, District Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulekha Devi @ Sulekha Kumari Wife of Arun Paswan R/O Village -Samasti, PS Deepnagar, District Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Respondent No.2	:	Mr. Subhash Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 25-07-2025 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed against dated 20.05.2025 passed by learned Additional Sessions Judge-VI-cum-Special Judge (SC/ST Act), Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 15 of 2025 registered under Sections 70 (1) of the B.N.S., 2023 and Section 3(1) (r) (s) (w) (i) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation in the F.I.R is that accused Manish Aryan, on the pretext of dropping the informant to her residence, had taken into a room and rape was committed upon her by the appellant along with two others.



4. It is submitted by learned counsel for the appellants that the appellants are not named in the F.I.R and their names have transpired in the confessional statement of co-accused Manish Aryan who has been granted privilege of regular bail by this Court vide order dated 26.05.2025 passed in Cr. Misc. No. 1751 of 2025. It is further submitted that the present F.I.R has been lodged under the pressure and direction of some cyber criminals. As a matter of fact, co-accused Manish Aryan and the informant were in love relationship but the parents of the informant were adamant to marry the informant to some other place. It has been admitted by the informant and she supported herself in the form of an application filed before the learned Chief Judicial Magistrate, Bihar Sharif on 24.02.2025 that respondent no.2 is not interested to pursue this case any further as the same was lodged under pressure. Even during the medical examination of the informant no sign of any sexual assault or any internal or external injury has been found. Hence, the medical evidence also does not support the allegations made in the first information report.

5. Learned counsel for the respondent no.2, however, does not oppose the present application and rather supports the application filed by the victim herself before the



learned Chief Judicial Magistrate.

6. Taking into consideration the entire facts and circumstances of the case, it is directed that the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bihar P.S. Case No.15 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum Special Judge (SC/ST Act), Nalanda at Biharsharif, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Soni Shrivastava, J)

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