

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2222 of 2025**

Arising Out of PS. Case No.-9 Year-2017 Thana- MAHILA THANA District- Begusarai

Rahul Yadav S/o Ramu Yadav R/o Village- Madhurapur Bakhtar Asthan,
Police Station- Teghra, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kajal Kumari D/o Vakil Paswan R/o vill - Madhurapur Bakhtar Asthan, P.S.-
Teghra, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant/	:	Mr. Prasoon Kumar, Adv.

**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 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
30.04.2025 passed by the learned Exclusive Special Judge
SC/ST Act, Begusarai in connection with Begusarai Mahila P.S.
Case No. 09/2017 dated 22.04.2017 registered for the offence/s
punishable u/ss 376(g), 448, 506 read with Section 34 of the
Indian Penal Code and Sections 3(1)(x)(ii) of the SC/ST Act and



Section 6/8 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have taken the informant towards the forest on the point of pistol and they committed rape on her.

4. Learned counsel for the appellant has submitted that the appellant has 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 appellant hence no case is made out under the provisions of SC/ST Act. The appellant has no concern with the alleged offence. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 04.04.2024. The co-accused person has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 13.10.2017 passed in Cr. App(SJ). No. 2803 of 2017.

5. Learned Spl.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of bail. It is further submitted that the victim is a minor girl and the specific allegation of committing rape is against the appellant. The re-statement of the informant as well as the statements of



the witnesses at para-5, 8 and 21 of the case diary has supported the case of the prosecution. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the accused persons have forcefully committed rape with her. As per the medical report of the victim as stated in para-73 of the case diary, there is an evidence of recent sexual assault.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the appellant, I am not inclined to set aside the impugned order dated 30.04.2025 passed by the learned Exclusive Special Judge SC/ST Act, Begusarai in connection with Begusarai Mahila P.S. Case No. 09/2017 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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