

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2453 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

1. Hasmat S/O Late Sayed Ali R/o vill.- Dharambari, P.S.- Baikunthpur, Distt.- Gopalganj
2. Chote Alam S/O Late Sayed Ali R/o vill.- Dharambari, P.S.- Baikunthpur, Distt.- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Ram S/O Late Munnilal Ram R/o vill.- Dharambari, P.S.- Baikunthpur, Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amresh Kumar Sinha, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rajeev Kumar Ram, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 07-08-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 16.06.2025 passed by learned District and Additional Sessions Judge, XI cum Exclusive Special Judge, SC/ST Act, Civil Court, Gopalganj whereby the prayer for bail of the appellants in connection with Baikunthpur P.S. Case No. 92 of 2025 under Sections 126(2), 115(2), 74, 351(3), 352, 3(5) of the BNS and Sections 3(1)(r)(s), 3(2)(va) of SC/ST



Act was rejected.

3. Accusation against the accused persons including the appellants is of commission of rape.

4. Learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in the present case in order to put pressure upon the appellants and to demand illegal money. Learned counsel further submitted that victim herself is aged about 80 years and the appellants are aged about 26 and 23 years. Learned counsel further contended that no any evidence of rape was found in the medical report of the victim. Informant is not the eye-witness to the occurrence. Learned counsel for the appellants 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 appellants have no intention to disgrace the image of the informant in public view. The appellant no. 1 is in custody since 16.03.2025 whereas appellant no. 2 is in custody since 17.03.2025. Appellants have no criminal antecedent.

5. Learned Special P.P. for the State and the informant vehemently opposed the prayer for grant of bail to the appellants.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 16.06.2025 passed by learned District and Additional Sessions Judge, XI cum Exclusive Special Judge, SC/ST Act, Civil Court, Gopalganj in connection with Baikunthpur P.S. Case No. 92 of 2025 is hereby set aside.

7. Let the appellants, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baikunthpur P.S. Case No. 92 of 2025.

(Rudra Prakash Mishra, J)

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