

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2461 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BARACHATTI District- Gaya

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Nagmani Yadav S/o- Late Ratan Yadav Village- Balthar Ps- Barachatti Dist-
Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Soni Devi W/o- Madhu Paswan Village- Balthar Ps- Barachatti Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Rabia Gulnaz
For the Respondent/s	:	Mr.Usha Kumari 1

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

ORAL ORDER

3 21-08-2025 Heard learned counsel for the appellant an 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 against the rejection of prayer for bail vide order dated 16.05.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 1512 of 2025 arising out of Barachatti P.S. Case No. 45 of 2025 dated 25.01.2025 registered for the offence/s punishable u/ss 126(2), 115, 76, 352, 351(2) read with section 3(5) of the Indian Penal Code and 3(i) (w) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant is alleged



to have tried to commit rape on the informant on the point of pistol but anyhow she escaped. Thereafter, on the very next day the appellant and the co-accused came to the house of the informant and committed *marpit* with her and snatched *Jiutiya* worth Rs. 25,000/- from her.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is no any allegation against the petitioner of committing rape on the informant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 20.04.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



16.05.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 1512 of 2025 arising out of Barachatti P.S. Case No. 45 of 2025, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in B.P. No. 1512 of 2025 arising out of Barachatti P.S. Case No. 45 of 2025. with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

guddukr/-

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