

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2862 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- LALGANJ District- Vaishali

Mayank Kumar Mishra S/o- Ajendra Kumar Mishra @ Pappu Resident of
Village- Patwa Toli, P.S.- Lalganj, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Kumari D/o- Bandeshwar Ram Village- Lallu Chhapra Ps- Paru Dist-
Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Manoj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-09-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 02.07.2025 passed by learned Special
Judge, SC/ST Act, Vaishali whereby the prayer for bail of the
appellant in connection with Lalganj PS Case No. 277 of 2025
instituted under Sections 352, 351(3), 64 & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r)(s), 3(2)(v)
(va) & 3(w)(ii) of SC/ST Act was rejected.

3. Informant, who had a two-year relationship with
appellant, claims that she moved to Hajipur with cash and



jewellery to marry him at Pataleshwar Mandir. After living together, he refused to take her to his home and fled away. She also alleges that appellant forced her to take abortion pills after she became pregnant, and his parents threatened her when she informed them of the situation..

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 352, 351(3) & 69 of the BNS and other Sections of SC/ST Act. Learned counsel for the appellant submits that victim in her statement recorded under Section 183 of the BNSS, 2023 has not stated that the appellant has made physical relation with her by force and this itself shows that no case is made out u/S 64 of the BNS, 2023. As per medical report, no spermatozoa was found. There is delay of five days in lodging the FIR. Learned counsel for the appellant 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 appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 12.06.2025 and has no criminal antecedent.



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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 02.07.2025 passed by learned Special Judge, SC/ST Act, Vaishali is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lalganj PS Case No. 277 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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