

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3218 of 2025

Arising Out of PS. Case No.-306 Year-2024 Thana- HARLAKHI District- Madhubani

Anand Kumar @ Anand Kumar Yadav S/O Ram Sevak Yadav R/O Village-
Karuna, P.S- Harlakhi, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dipan Ram S/O Sri Bulan Ram R/O Village- Raghunathpur, P.S- Harlakhi,
Distt.- Madhubani .

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Saurabh Bishwambhar, Advocate

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

ORAL ORDER

5 13-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 29.04.2025 passed by learned Additional
Sessions Judge-1-cum-Special Judge, SC/ST, Madhubani
whereby the prayer for bail of the appellant in connection with
Harlakhi P.S. Case No. 306 of 2024 under Sections 126(2),
115(2), 352, 351(2), 76, 3(5) of the Bharatiya Nyaya Sanhita,
2023, read with Sections 3(1)(r) and 3(1)(s) of SC/ST Act was
rejected.



3. Prosecution case, in short, is that informant found his daughter with appellant in naked condition. It is further alleged that appellant's family later on abused and threatened informant and used caste based slurs.

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. Learned counsel for the appellant also submits that there is delay of 9 days in lodging the FIR without any plausible explanation. It is next submitted that there was love affair in between the appellant and the victim. Medical report of the victim does not corroborate with the FIR. There is no any allegation of rape against the appellant as per 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/her. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 27.01.2025 and has got 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 appellant.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 29.04.2025 passed by learned Additional Sessions Judge-1-cum-Special Judge, SC/ST, Madhubani is hereby set aside.

7. Let the appellant be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harlakhi P.S. Case No. 306 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Rajorshi/-

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