

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.110 of 2026

Arising Out of PS. Case No.-13 Year-2025 Thana- MAHILA PS District- Gaya

Nitish Kumar Son of Late Rajkumar Yadav Resident Of Village- Bibi Peshra,
ps- Barachatti, Dist- Gaya Ji

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwa Devi Wife of Manoj Manjhi Resident Of Village- Bhaluwachak, Po-
Bhaluachatti, Ps- Barachatti, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Sinha
		Ms. Sanjana
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 23-04-2026 Heard the parties.

2. The instant appeal has been filed by the appellant against the order dated 16.12.2025 passed by the learned Exclusive Special Judge, SC/ST (POA) Court, Gaya Ji whereby the bail application of the appellant in connection with CIS No. Bail Appl. Spl. Act 4448 of 2025 arising out of Mahila Thana P.S. Case No. 13 of 2025 registered for the offence under Sections 70 of the BNS but the police submitted charge-sheet under Sections 70(1) of the BNS and under Sections 3(1)(w)(i) (ii) of SC/ST (POA) Act, was rejected.

3. The appellant and others are said to have committed rape with the victim.

4. The appellant is in custody since 7.3.2025.

5. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He further submits that the victim has named three



persons in the FIR and has not named the appellant. He next submits that out of the three named accused persons, two have already been granted bail by a co-ordinate Bench of this Court vide order dated 5.12.2025 passed in Cr. Misc. No. 43449 of 2025.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts, this application is allowed and accordingly, the order dated 16.12.2025, is hereby set aside.

8. Let the appellant be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with CIS No. Bail Appl. Spl. Act 4448 of 2025 arising out of Mahila Thana P.S. Case No. 13 of 2025.

(Sandeep Kumar, J)

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