

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.379 of 2025

Arising Out of PS. Case No.-13 Year-2024 Thana- MAHILA P.S District- Supaul

Sandeep Yadav @ Sandeep Kumar Yadav Son of Tapeshwari Yadav Resident
of Village- Bairiya Ward No. 2, P.S.- Pipra, Distt.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjan Devi Wife of Shri Jeewachh Sharma Resident of Ward No. 9 Keshav
Nagar, P.S.- Pipra, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prasoon Kumar, Advocate.
For the Respondent/s	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. P.K. Thakur, Advocate.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 02-02-2026 1. Heard learned counsel for the appellant, the learned
Special P.P. Mr. Binay Krishna and the learned counsel
appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 09.12.2024 in A.B.A. No. 1260/2024 passed by the
learned Additional Sessions Judge-I-cum-Special Judge, SC/ST
Act, Supaul in connection with Supaul (Mahila) P.S. Case
No.13/2024, registered under Sections 376(D), 379, 323, 34 of
the Indian Penal Code, Section 66 (D) and 67 of I.T. Act and



Sections 3(i)(wi), 3(2) (va) and 3(2)(v) of the SC/ST (POA) Act.

3. The SHO-cum-I.O. of the case, in compliance of the order dated 28.01.2026, is present in the Court.

4. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that on 05.02.2024 at 8 P.M. she was going to her matrimonial home, when she was intercepted by the accused persons including the appellant along with four unknown accused, further Sandeep tied her mouth by a towel and Tuntun on point of pistol took her to a desolated place and all the accused raped her in turn, further Tuntun took Rs.30,000/- from her purse while Sandeep took her ear-ring worth Rs.40,000/- and while leaving the accused persons threatened that if occurrence is disclosed the video would be made viral, further she somehow managed to reach her matrimonial home, but did not disclose about the occurrence fearing that video would be made viral, next alleges that about 4-5 days back, Kanchan and Sarita came and showed her the video footage and said that whenever accused persons asked her to satisfy them she will have to oblige, further the video was made viral, thereafter her family members assaulted her.

5. Learned counsel for the appellant submits that



appellant has been falsely implicated in the instant case by the informant. It is next submitted that allegation is of committing rape by all the accused persons including the appellant and the occurrence is alleged to have been video-graphed. It is next submitted that during the course of investigation, no material transpired which could even remotely connect the allegation of making the video viral true. It is further submitted that the date of occurrence is 05.02.2024 and the FIR came to be instituted on 05.03.2024 and the victim even refused her medical examination. Learned counsel for the appellant next submitted that co-accused Tuntun Yadav was acquitted in the trial by the Court of learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA) Act, Supaul by a Judgment dated 23.09.2025 in Case No. SC/ST 62/2024/CIS No. Spl Case-29/2024. It is next submitted that no useful purpose would be served by sending the appellant to jail when Tuntun has been acquitted in a duly constituted trial. It is also submitted that issue of video going viral was also considered by the learned trial court. It is next submitted that the learned trial court while acquitting Tuntun took this fact into consideration that the genuineness of the video was not proved and the victim refused from her medical examination.



6. The Investigating Officer of the case, who is present in the Court, at this stage, submits that though in the FIR it is alleged that the video was made viral but then during the course of investigation, no material could be collected which could even remotely suggested that the video went viral and the victim in her statement recorded under Section 164 Cr.P.C. also did not state the said fact that video went viral.

7. Learned Special Public Prosecutor Mr. Binay Krishna and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that similarly situated co-accused Tuntun Yadav has been acquitted by the learned trial court in a duly constituted trial. At this stage, learned counsel appearing on behalf of the appellant submits that appellant will not abscond rather will face the trial to prove his innocence.

8. After hearing the learned counsel for the parties, the order impugned is set aside. Let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail



bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

10. It is made clear that if the learned trial court comes to a conclusion that appellant after his release is trying to delay the framing of charge or after framing of charge is trying to delay the trial, in both the conditions, the learned trial court shall be at liberty to cancel the bail bonds of the appellant.

11. The personal appearance of the SHO-cum-I.O. is dispensed with.

(Satyavrat Verma, J)

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