

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.271 of 2026

Arising Out of PS. Case No.-174 Year-2025 Thana- SARSI District- Purnia

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Dilkhush Kumar Son of Ajay Yadav @ Ajay Kumar Yadav Resident of
Village- Bahora PS- Sarsi District -Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Pato Kumari Daughter of Shukdeo Paswan Resident of Village- Bahora
Fatak, Wad no. 09, PS- Sarsi District -Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Deepak Kumar Singh, Advocate
For Respondent No.2	:	Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-04-2026 Heard Mr.Deepak Kumar Singh, learned counsel for

the appellant, Mr. Rakesh Kumar Jha, learned counsel for

respondent No.2 and Mr.Binay Krishna, learned Spl.P.P. for the

State.

2. This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 03.12.2025 passed by the learned A.D.J.1st-cum-Special
Judge, SC/ST (POA) Act, Purnea in Spl. SC/ST. Case No.156
of 2025 arising out of Sarsi P.S. Case No.174/2025, F.I.R. dated
04.09.2025 registered under Sections 64(1)of BNS and Section



3(1)(w)(i)(ii),3(2)(v)of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegation against the appellant is that he committed rape upon the victim.

4. Learned counsel for the appellant submits that the appellant has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 25.01.2025 but the present FIR has been instituted on 03.09.2025 after delay of about 09 months without giving any explanation of delay only to pressurize the appellant to perform the marriage with the victim.

5. Learned counsel for the informant and learned Spl. P.P. for the State, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for bail of the appellant and submits that the statement of the victim was recorded under Section 183 of BNSS, 2023 in which she has fully supported the case of the prosecution and she has stated that the appellant has committed rape upon her, apart from that, the medical report of the victim suggests that on the date of the medical examination she was pregnant and the



Doctor has assessed the age of the victim is about 17 years which suggests that on the date of occurrence the victim was minor.

6. Considering the facts and circumstances of the case, victim has supported the case of the prosecution, apart from that, the medical report also confirms the allegation as alleged in the FIR, I am not inclined to enlarge the appellant on bail in connection with Spl. SC/ST. Case No.156 of 2025 arising out of Sarsi P.S. Case No.174/2025 pending in the court of learned A.D.J.1st-cum-Special Judge, SC/ST (POA) Act, Purnea.

7. Prayer is refused.

8. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

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