

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8394 of 2026

Arising Out of PS. Case No.-468 Year-2024 Thana- MADHUBAN District- East Champaran

Manoj Prasad S/O Baleshwar Prasad @ Baldeo Prasad R/O Village-
Rehuaman, P.S- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX W/O Sri Rajesh Baitha R/O Village- Rohuwaman, P.S- Madhuban,
Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Harsha Shashwat, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Madhuban P.S. Case No. 468 of 2024 lodged on 05.11.2024, for the offence punishable under Sections 137(2), 140(3), 70(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, sections 4/6 of the POCSO Act, sections 66(E)/67 of the Information Technology (Amendment) Act, 2000 and section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. As per the prosecution, FIR has been lodged against four named accused persons. It has been alleged by the



informant that in the evening of 27.10.2024, when her daughter who is aged about 14 years, went for natural call, then the four named accused persons came and forcefully took her and committed rape with her and also taken obscene video and made the said video viral and deserted her near her house after two days. After the commission of the said offence, the informant visited the father of the named accused persons, where she was abused by them on account of her belonging to the SC community and being poor. They also threatened the informant not to file a case, otherwise she would be killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is an old man aged about 61 years, having clean antecedent and allegation of commission of the offence is only upon the accused persons named in the FIR and not against the present petitioner. He submits that although, there is an allegation of abuse against the petitioner to the informant, but the said allegation does not satisfy the ingredients of Section 3(2)(va) of the SC/ST Act. Counsel submits that the name of petitioner has figured in this case only with a view to create pressure. Counsel also submits that though, POCSO Act and the SC/ST Act, both have been added in this case, then trial



has to prevail in accordance with POCSO, as it is more fundamental in nature. Therefore, instead of filing criminal appeal, criminal miscellaneous application has been filed. Counsel further submits that on the previous occasion, case diary as well as statement of victim under section 183 of the B.N.S.S. was called for.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that rejection has been made by the Sessions Judge on the basis of allegation that there is no provision of granting anticipatory bail under SC/ST (Prevention of Atrocities) Act, 1989.

6. After going through the record, it transpires to this Court that there is no ingredient of the allegation against the petitioner relating to B.N.S.S, POCSO and I.T. Act. The only allegation against the petitioner is under SC/ST Act. However, by virtue of the statement made in the FIR, it appears that the ingredients of Section 3(2)(va) are not made out, as none of the offence listed in the Schedule are constituted. It also transpires from perusal of statement of victim under section 183 of the B.N.S.S that she has whispered only against four accused persons named in the FIR and not against the present petitioner.

7. As such, in the present facts and circumstances of



this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of 7th District & Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari, in connection with Madhuban P.S. Case No. 468 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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