

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.611 of 2026

Arising Out of PS. Case No.-28 Year-2025 Thana- MEHANDIGANJ District- Patna

Kaushal Kumar Son of Ravindra Nath Thakur @ Rabindra Kumar @ Bauna
Thakur Resident of Village - Vidhipur, P.S. - Salimpur, Dist.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari @ Shobha Devi W/o Kamlesh Kumar Das Resident of
Village - Vidhipur, P.S. - Salimpur, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Mr. Arya Achint
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2026 Heard learned Senior Counsel for the appellant and
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 21.01.2026 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Patna in connection with Mehandiganj P.S. Case No. 28 of 2025 registered under Sections 70(1) and 3(5) of the BNS, 2023 and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

3. The case of the prosecution, in brief as disclosed in the written statement of the informant i.e Shobha Devi is that on 26/02/2025 two boys from the same village namely Bajrangi



Kumar aged 25 Years and Kaushal Kumar @ Bauna Thakur took obscene pictures of the Informant while she was changing clothes at her home. On the pretext of deleting those photos they lured the informant to come to Patna, then the photos would be deleted. The informant fell in the trap and went to Patna with them. Both the accused took the informant to Oyo Hotel Paijawa Mehndiganj located next to Dinovali School at around 4.30 Pm. Before the informant could do anything she was raped by both the accused. Subsequently, accused Kausal Kumar made the informant sit on his motorcycle and took her to the Informant's mother house located in Khushrupur. She went and narrated about the incident to her family members and accordingly On 28/02/2025 she submitted a written application Mehandiganj P.S.

4. Learned Senior Counsel for the appellant submits that appellant has clean antecedent and is innocent and has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the appellant has not committed any offence as alleged in the FIR. It is next submitted that although the victim has stated in her statement recorded under Section 183 of BNSS that the appellant and other co-accused persons have committed



rape upon her. Learned Senior Counsel for the appellant further submits that the trial has began and the informant's deposition has been recorded as PW-1 on 11.12.2025 in which she has particularly stated in her cross-examination that she has made physical relation with the appellant and the accused persons with her own will and when the in-laws came to know about the incident then she filed a false case against the appellant. It is next submitted that apart from aforesaid she has also stated that the appellant has not abused by taking caste name and the appellant is in custody since 02.03.2025.

5. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Patna in connection with Mehandiganj P.S. Case No. 28 of 2025 with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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