

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.629 of 2026

Arising Out of PS. Case No.-78 Year-2025 Thana- MAHILA P.S. District- Samastipur

Yashwant Kumar Raj Raj Kumar Azad R/O - Village Khukhanda, P.s-
Hasanpur District- Samastipur. Permanent Resident -Village Belsandi, P.s -
Bithan, District- Samastipur

... .. Appellant

Versus

1. The State of Bihar

2. X D/O Y R/O - Village - Kokani, P.s- Hasanpur District- Samastipur.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur
	:	Mr. Purushottam Kumar
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Shubhesh Pandey
	:	Mr. Amit Kumar Mishra
	:	Mr. Vinit Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2026 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 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 02.01.2026
passed by the learned Special Judge, SC/ST (POA) Act,
Samastipur in connection with Mahila P.S. Case No. 78 of 2025
registered under Sections 126(2), 127(2), 115(2), 69, 352,
351(2) of the BNS, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(w)
and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act
(Prevention of Atrocities) Act.

3. The case of the prosecution, in brief, is that is one
"X" (O.P.No.2) lodged written report addressed to the Officer
Incharge of Mahila Police Station, Samastipur stating therein



inter alia, that she was knowing one Yashwant Kumar Raj for last 4-5 years and sometimes they used to talk. Yashwant Kumar was married person but she did not have knowledge about the same and upon knowing about it when she confronted him then he stated that he has divorced his wife and they started talking regularly and thereafter started meeting each other. This year her family members fixed her marriage at some other place, After coming to know about which Yashwant got the said marriage broken. Thereafter under pretext of marriage he took her to Danapur on 16.9.2025 and without marriage established physical relation. Thereafter he brought her to Samastipur and kept her in a rented room where continuously he established physical relation with her. When she used to ask for marriage either in temple or court, he used to ignore the same. In order to avoid any question from the landlord he asked her to put vermilion and wear Mangalsutra and also stated that after Bhadwa he will perform marriage. After about a month he did not perform marriage and she started pressurizing for the same on which she was abused and assaulted and he also broken her mobile and locked her in room. He also gave threatening that if she would flee then her family member will be killed. On 20.10.2025 he came at her room and she stated that she want, to



go home, on which he abused and assaulted her and also hurled caste based remarks and stated that he will never marry her and will treat her as his keep. He further abused her brother also and threatened to shoot him. On the same night he was talking to someone with regard to selling a girl and upon hearing the same she became scared. On 21.10.2025 seeing an opportunity she fled from the room and went to his friend's house in Samastipur where her mother and brother came and she disclosed about the occurrence to them and thereafter she has come to police station and giving this application.

4. Learned counsel for the appellant submits 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. Learned counsel for the appellant submits that it has come during investigation that the appellant was in touch with the victim since last ten years and it appears from the statement of the victim recorded under Section 183 of BNSS that the victim has wilfully made physical relation with the appellant and due to some petty dispute the informant/victim has filed the present case against the appellant and it has come also during investigation that the victim has become pregnant despite that she has made physical relation with the appellant and she has



not complaint anywhere since last ten years and it appears from the FIR itself that the victim was major and is more than 22 years old. It is next submitted that police after investigation has submitted charge-sheet and the appellant is in custody since 26.10.2025.

5. Learned counsel appearing on behalf of the respondent no.2 and the learned Special Public Prosecutor for the State on the basis of materials available on record and the case diary have vehemently opposed the prayer for bail of the appellant and submit that appellant has committed wrong with her and apart from aforesaid from perusal of the statement of the victim recorded under Section 183 of BNSS it suggests that the appellant has made physical relation with her from several past years.

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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Mahila P.S. Case No. 78 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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