

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.878 of 2026

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

Bajrangi Kumar @ Bajarangi Kumar Son of Jitendra Keshri Resident of
Village- Vidhupur, P.S.- Salimpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Kumari Wife of Kamlesh Kumar Das Resident of Village- Bidhupur,
P.S.- Salimpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Smiti Bharti, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-05-2026 Heard Ms.Smiti Bharti, learned counsel for the

appellant, learned counsel for Respondent No. 2 and Mr.Binay

Krishna, 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 corresponding to Special Case No. 259 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.

3. Earlier the prayer for bail of the appellant was
rejected vide order dated 30.10.2025 passed in Criminal Appeal
(SJ) No. 2337 of 2025 by a Coordinate Bench of this Hon'ble



Court.

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. It appears from the FIR itself that no member of the appellant present at the relevant point of time of the incident and due to this reason no offence is made out against the appellant under the provisions of SC/ST Act. In fact although the victim has supported her case in her statement under Section 183 of B.N.S.S., 2023, learned counsel for the appellant submits that the trial has begun and the victim has deposed before the learned Trial Court as P.W.1 in which she has not supported the case of the prosecution, apart from that one member, namely, Ashok Kumar was also examined before the police and he has also not supported the case of the prosecution. Further submits that co-accused person, namely, Kaushal Kumar, against whom the similar allegation, has been granted bail by this Court vide order dated 30.04.2026 passed in Cr. Appeal (SJ) No. 611 of 2026 and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 02.03.2025.

5. Learned counsel for the respondent no. 2 and



learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

6. Considering the facts and circumstances of the case, appellant has clean antecedent and similarly situated co-accused person has been granted bail by this Court as well as the victim has not supported the case of the prosecution during trial, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Civil court (Sadar) in connection with Mehandiganj P.S. Case No. 28 of 2025 corresponding to Special Case No. 259 of 2025, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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 has 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)

Nitesh/-

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