

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.950 of 2026

Arising Out of PS. Case No.-257 Year-2025 Thana- DUMRA District- Sitamarhi

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Sukha Rai @ Devendra Prasad Yadav @ Netaji Son of Late Sogarath Rai
Resident of Village - Simara Parasparri, P.S. - Dumra, Dist- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. ██████████ Resident of Village - Simara, Parasparri,
P.S. - Dumra, Dist- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2026 Heard learned counsel for the appellant and learned
Spl.PP for the State.

2. This appeal has been filed for setting aside order dated 17.01.2026 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in a case registered for the offence punishable under Section 64(1) of the B.N.S. and Section 3(i)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, it is alleged that this



appellant called the informant on the pretext of providing job and committed rape upon her. It is further alleged that this appellant also abused the informant with caste based slurs and threatened not to disclose the ordeal to anyone.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Appellant has falsely been implicated in this case with ulterior motive. The F.I.R. does not disclose that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Special PP for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that appellant is named in the F.I.R. and there is specific accusation that on the pretext of providing job, he called the informant and thereafter, committed rape. The appellant also threatened the informant not to disclose the ordeal to anyone and abused her with caste based slurs.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation and gravity of



offence, appellant’s prayer for grant of pre-arrest bail is rejected
and this appeal is dismissed.

(Prabhat Kumar Singh, J)

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