

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1507 of 2026

Arising Out of PS. Case No.-52 Year-2025 Thana- SC/ST District- Muzaffarpur

Arvind Kumar Son of Devendra Sah @ Devendra Shah Resident of Village -Taraura Gopalpur, Prahladpur Post- Mushhari PS -Mushhari, Distt -Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Kumari Wife of Gareebnath Kumar Resident of Village -Taraura Gopalpur, PS -Mushhari, Distt -Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kundan Kumar Ojha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R. No. 2	:	Mr. Raju Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 02-07-2026 Heard learned counsel for the appellant, respondent no. 2 and the State.

2. This appeal has been filed against the order dated 02.02.2026 passed by learned Special Judge, SC/ST (POA) Act, Muzaffarpur in ABP No. 3828 of 2025 arising out of SC/ST P. S. Case No. 52 of 2025, registered under Sections 354, 354B, 452, 376, 511, 504, 506 of the Indian Penal Code and Section 3(1)(x)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. Informant alleges that on 15.06.2022 at about 10:15 PM, when informant was alone at her house, this appellant



forcibly entered the house and tried to commit rape with her. It is further alleged that appellant also abused the informant and by caste name and threatened to kill the her husband.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Appellant and informant are next-door neighbours and he has been made accused in this case with an ulterior motive. For the same occurrence, Mushahir P. S. Case No. 40 of 2023 had already been lodged by the informant and after that, present case was lodged. Instant case has been lodged for the incidents, allegedly, took place on 15.06.2022, 04.12.2021 and 07.07.2022, however, the complaint was filed on 21.09.2023 and F.I.R. for the same was lodged on 03.07.2025, after much delay which itself raises doubt over veracity of the prosecution case. There is no allegation of any specific overt act against the appellant and the alleged incident took place inside the house of informant and not within the public view, as such, no case under SC/ST Act is made out against him.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellant, as



named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds 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, Muzaffarpur arising out of SC/ST P. S. Case No. 52 of 2025.

7. Accordingly, this criminal appeal is allowed and impugned order dated 02.02.2026 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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