

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1782 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- TELHARA District- Nalanda

Mantu Kumar S/o- Late Arjun Prasad Village- Chandapur Ps- Telhara
District- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Guriya Devi W/o- Bhola Paswan Village- Kadilpur Ps- Telhara Dist-
Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar
For the Respondent/s	:	Ms. Usha Kumari 1 Mr. Navin Sharma

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-06-2026 Heard learned counsel for the appellant, the learned

Spl. P.P. for the State including the learned counsel for the

informant.

2. This appeal is preferred against the order dated
21.04.2025 passed by the learned Additional Sessions Judge-VI-
cum-Special Judge, SC/ST Act, Nalanda at Biharsharif in ABP
No. 522 of 2025 arising out of Telhara P.S. Case No. 39 of 2025
registered for the offence under Sections 127(2), 64(1), 351(2)
of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3(i)(r),
3(i)(s) and 3(2)(va) of the SC/ST Act, by which the prayer of the
appellant for anticipatory bail was rejected.

3. As per the prosecution case, the appellant is alleged



to have committed rape upon the victim.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case and no offence under the provisions of the SC/ST Act is made out. He therefore contends that the application for anticipatory bail is maintainable. He further submits that the doctor did not find any external physical injury on the body of the victim nor was there any evidence of recent sexual intercourse, as she was examined within 24 hours of the occurrence. The doctor did not find any signs of rape upon examination.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for anticipatory bail.

6. I have considered the submissions of the parties and have gone through the records of the case. From the statement of the victim, it appears that she is a married woman and the mother of four children. It further appears that on being allegedly subjected to harassment, she left her house on her own along with the appellant. Further, the essential ingredients required to attract the provisions of the SC/ST Act do not *prima facie* appear to be made out against the appellant.

7. In view of the aforesaid discussions, the appeal is



held to be maintainable and the same stands allowed. Accordingly, the impugned order dated 21.04.2025 passed by the learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act, Nalanda at Bihar Sharif is hereby set aside.

8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Telhara P.S. Case No. 39 of 2025, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS.

9. Pending application(s), if any, shall also stand disposed of.

(Sandeep Kumar, J)

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