

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1957 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- MAHILA P.S BAGHA District- West
Champaran

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Rishu Kumar Varnwal S/o- Ganesh Prasad @ Ganesh Prasad Baranwal R/o-
Jamuniya Ps- Bathwariya District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. X D/o- Praduman Ram R/o- Vriti Bathwariya Ps- Bathwariya Dist- West
Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Ms. Usha Kumari 1, Spl PP
For the Respondent No. 2	:	Mr. Umesh Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

7 13-02-2026 Heard learned counsel for the appellant, learned
counsel for the Respondent No. 2 and learned Special Public
Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order dated
16.04.2025 passed by learned District and Additional Sessions
Judge-1st-cum-Special Judge (SC/ST Act), Bettiah West
Champaran, in A.B.P. No. 746 of 2025 in connection with
Bagha Mahila P.S. Case No. 15 of 2025, registered under
Sections 115(2), 64, 89, 351(2) and 3(5) of the B.N.S read with
Section 3(1)(r)(s) (w) and 3(2)(va) of Scheduled Castes and



Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant, namely, Sitara Kumari, alleged that the Rishu Kumar (appellant) had established a physical relationship with her on the false pretext of marriage leading to her pregnancy and then the appellant forcibly administered medicine to terminate the pregnancy. It is further alleged that on 22.03.2025 and 23.03.2025 at about 10:00 A.M., the appellant called the informant to New Garden and raped her on both the days. When the informant asked for engagement, then Rishu Kumar became furious and started abusing her by using derogatory language with regard to her caste name and refused for engagement and threatened her with dire consequences.

4. Learned counsel appearing for the appellant submits that the appellant bears clean antecedent and is innocent. He further submits that from a bare perusal of the FIR the same appears to be a concocted story and no such alleged occurrence took place. There is no medical report on record to substantiate the allegation of repeated rape as alleged in the FIR. It is further submitted that the informant is a major girl aged



about 20 years and the appellant has not made any forceful physical relationship with her. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is not committed in a public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. He further submits that no case, as alleged in the F.I.R, attracting rigours of SC & ST Act, is made out against the appellant. Hence, the impugned order may be set aside and the appellant may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2 has vehemently opposed the prayer for grant of anticipatory bail to the appellant and submitted that the appellant is alleged to have established physical relationship with the informant on the pretext of false promise.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent as well as the fact that the informant appears to be a consenting party, let the above named appellant in the event of his arrest/surrender within a period of six weeks 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 the learned District and Additional Sessions Judge-1st-cum-Special Judge (SC/ST Act), Bettiah West Champaran, in connection with Bagha Mahila P.S. Case No. 15 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 16.04.2025 rejecting the prayer for grant of anticipatory bail to the appellant is, hereby, set aside.

(Praveen Kumar, J)

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