**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL APPEAL (SJ) No.2603 of 2026**

**CNR No. BRHC010662702026**

Arising Out of PS. Case No.-89 Year-2026 Thana- THALI District- Nawada

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Gunjan Kumar son of Kishori Sharma Resident of village- Misrichak Ps- Thali, Dist- Nawadah

... ... Appellant/s

Versus

1. The State of Bihar
2. Kiran Kumari Wife of Rajesh Rajbanshi Resident of village- Misrichak Ps- Thali, Dist- Nawadah

... ... Respondent/s

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**Appearance :**
For the Appellant/s : Mr. Rajeev Ranjan
For the Respondent/s : Ms. Asha Kumari

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**

ORAL ORDER

4 23-11-2026 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Despite valid service of notice, no one appears on behalf of the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 09.06.2026, passed by learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with Thali P.S. Case No. 89 of 2026, registered under Sections 74, 76, 79, 126(2), 115(2), 303(2), 352, 351(3), 3(5) of the B.N.S. and Sections 3(1) (r) (S), 3(2)(va) of SC/ST Act.

3. Appellant along with other accused persons are said to

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have committed rape with the informant and also assaulted her.

4. Learned counsel for the appellant has submitted that totally false and concocted allegations have been made in the First Information Report wherein it has been stated that the appellant along with one Tuntun Yadav indulged in indecent behavior, assault and even attempt to rape with the informant/victim at around 8:00 p.m. in the night when she was going back to her house. It is also not believable that when she shouted, her husband and other family members reached the place of occurrence and saved her. As a matter of fact, since there was some dispute between the respondent no. 2 and co-accused Tuntun Yadav, this appellant has also been made an accused along with him. Allegations of making any attempt to commit rape or any indecent behavior is absolutely false. While the occurrence is said to have taken place on 07.05.2026 at 8:00 p.m. in the night, the FIR was lodged after due thought and deliberation at around 2.30 p.m. on the next date i.e. on 08.05.2026 in the form of written report. Further, the victim has even refused her medical examination. The appellant does not have any criminal antecedent and charge-sheet has been submitted. The appellant is in custody since 08.05.2026 and he undertakes to cooperate in the trial.

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5. Learned for the State, however, opposed the prayer for bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the present case involves allegations of making an attempt of indecent behavior and rape coupled with the fact that the appellant is in custody since 08.05.2026 and charge-sheet has been submitted, let the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Special Court SC/ST (POA) Act, Nawada in connection with Thali P.S. Case No. 89 of 2026, subject to the condition that the petitioner shall cooperate in the trial.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

**(Soni Shrivastava, J)**

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