IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2517 of 2026

CNR No. BRHC010672472026

Arising Out of PS. Case No.-77 Year-2026 Thana- JANKINAGAR District- Purnia

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Kailash Roy Son of Narayan Roy Resident of Village- Binobagaram Jankinagar, Wrd No. 11, P.S.- Jankinagar, District- Purnea

... ... Appellant/s

Versus

1. The State of Bihar
2. Bandhan Kumari D/o Ranjay Ram @ Gholat Ram Resident of Village- Binobagaram Jankinagar, Ward No. 11, P.S.- Jankinagar, District- Purnea

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Surya Narayan Yadav, Advocate
For the State : Dr. Indiwar Kumari, S.P.P.
For the Respondent No.2: Mr. Sambhu Sharan Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 25-11-2026 Heard learned counsel for the appellant, learned counsel for the respondent No. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 26.05.2026 passed by learned District & Additional Sessions Judge-Ist -cum Special Judge Scheduled Castes/Scheduled Tribes (POA) Act, Purnea, in connection with Jankinagar SC/ST P.S. Case No. 77 of 2026 registered under

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Sections 126(2), 115(2), 76, 109 and 3(5) of the B.N.S. and Sections 3(i), (r)(s)(w) (i) and 3(2)(va) of the SC/ST (PoA)Act.

3. As per the prosecution case, the appellant is said to have attempted to commit rape with the informant by pouring fevicol on her face and also physically assaulted her.

4. Learned counsel for the appellant has submitted that the story indicated in the First Information Report itself appears to be suspicious as there is an allegation that at 3:00AM, the appellant has entered the house of the informant and attempted to commit rape and also assaulted the informant besides using caste bases abuses. It is further submitted that the informant is actually a married lady and her medical examination report is enclosed in the case-diary which indicates that she has only complained of body ache and no external injury has been found on her person. Moreover, no person from the vicinity nor any of the independent neighbors have been examined as witnesses. It has been submitted that it would just be a case of some scuffle between the parties on account of dispute but more serious allegations have been levelled only to make the look of the case serious. Moreover, the appellant is in custody since 22.02.2026 and charges have already been framed on 30.04.2026. However, no witness has been examined till

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date. The appellant is 20 year old boy having no criminal antecedent and he undertakes to co-operate with the trial by appearing on each and every date.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent No. 2 has opposed the bail application. Learned counsel for the respondent No. 2 has submitted that there is a direct allegation against the appellant, as such, he does not deserve to be released on bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the incident is not supported by any of the next door neighbors, coupled with the fact that the informant/ respondent No. 2 has not suffered any injury and further considering that charges have already been framed and the appellant undertakes to co-operate with the trial, let the above named appellant who has no criminal antecedent, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-Ist- cum Special Judge Scheduled Castes/Scheduled Tribes (POA) Act, Purnea in connection with Jankinagar P.S. Case No. 77 of 2026, with subject to further conditions:

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(i) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned

(ii) In case, the appellant tries to tamper with any evidence or influence any witness in any manner, the respondent No. 2 shall be at liberty to file an application for cancellation of bail bonds.

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

(Soni Shrivastava, J)

Anjali/-

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