IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3077 of 2026

CNR No. BRHC010810912026

Arising Out of PS. Case No.-46 Year-2026 Thana- Rangara District- Bhagalpur

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Ajay Mandal Son of Shamali Mandal @ Somali Mandal Resident of Village- Usraihiya, P.S.- Rangra, District- Bhagalpur

... ... Appellant/s

Versus

1. The State of Bihar
2. Vina Devi W/o Mithlesh Harijan Resident of Village- Gyanidas Tola, P.S.- Rangra, District- Bhagalpur

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Amrendra Kumar
For the Respondent/s : Dr. Indiwar Kumari
For the Respondent no. 2 Mr. Jitendra Kr. Pandey

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 23-11-2026 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, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 08.07.2026, passed by learned Special Judge, Exclusive Special Court (SC/ST Act), Naugachia, Bhagalpur in connection with Rangra P.S. Case No. 46 of 2026, registered under Sections 64(1), 3(5) of the B.N.S. and Sections 3(1) (r) (S), 3(2)(v) of SC/ST Act.

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3. Appellant is said to have committed rape with the daughter of the informant.

4. Learned counsel for the appellant has submitted that the name of the appellant does not even feature in the First Information Report and the specific name of Dhore Sharma has been mentioned in the FIR. It has further been submitted that the name of the appellant transpired during the course of investigation in the statement of one witness Rani Devi. It is further submitted that the victim girl has not identified the appellant rather she has identified only co-accused Dhore Sharma. The Panchayati was also held in this regard. The appellant has been made an accused in the present case only on the basis of suspicion and there is also delay in lodging the FIR which has not been explained. The appellant is in custody since 21.02.2026, charge-sheet has been submitted, cognizance has been taken and he undertakes to cooperate in the trial. Further, the appellant and the respondent no. 2 have also resolved the issues between them.

5. Learned counsel for the respondent no. 2 has submitted that he would not have any objection if the prayer for bail of this appellant being allowed.

6. Taking into consideration the facts and circumstances

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and also considering the fact that the appellant was not even named in the FIR coupled with the fact that the respondent no. 2 does not have any objection to the prayer for bail, 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 Special Judge, Exclusive Special Court (SC/ST Act), Naugachia, Bhagalpur in connection with Rangra P.S. Case No. 46 of 2026.

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

(Soni Shrivastava, J)

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