

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3322 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- SAHAR District- Bhojpur

Amarnath Mahto @ Amarnath Singh Son of Udit Mahto Resident of Village-
Inurkhi PS -Sahar, Dist- Bhojpur Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Vidio Paswan Resident of Village- Inurkhi PS -Sahar,
Dist- Bhojpur Respondent/s

Appearance :

For the Appellant/s	:	Mr. Braj Kishore Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Resp. No. 2	:	Mr. Abhinay Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 01-04-2026 Heard Mr. Braj Kishore Singh, learned counsel for
the appellant, Mr. Abhinay Priyadarshi, learned counsel
appearing on behalf of the Respondent No. 2 as well as Mrs.
Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 31.07.2025
passed by the learned Court of Additional District & Sessions
Judge-I-cum-Special Judge, (SC/ST), Bhojpur at Ara in
connection with Sahar P.S. Case No. 123 of 2025, F.I.R. dated
19.06.2025 registered under Section 64(i) of the BNS, 2023 and
Sections 3(i)(r)(s)(w) and 3(2)(v) of the Scheduled Castes and
Scheduled Tribes Act (Prevention of Atrocities) Act.

3. According to the prosecution case, this petitioner
has committed rape upon the respondent no. 2.



4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. Although the victim has supported the case of the prosecution in her statement recorded under Section 183 of the BNSS, 2023 but the medical report of the victim does not support the case of the prosecution. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 20.06.2025.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

6. Considering the aforesaid facts and circumstances of the case that the appellant has clean antecedent and the allegation as alleged does not supported by the medical report, let the appellant, above named, 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 learned Court of Additional District & Sessions Judge-I-cum-Special Judge,



SC/ST (POA) Act, Bhojpur at Ara in connection with Sahar P.S.
Case No. 123 of 2025, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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