

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3478 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Abhishek Kumar Son of Ramashray Sah @ Bigu Sah Resident of Village -
Revatith, P.S. - Baikunthpur, District - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Neha Kumari Daughter of Late Mahangu Gond Resident of Village -
Revatith, P.S. - Baikunthpur, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Resp. No. 2	:	Mr. Kamala Kant Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-04-2026 Heard Mr. Bijay Prakash Singh, learned counsel for

the appellant, Mr. Kamala Kant Tiwary, 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 02.07.2025
passed by the learned Court of District and Additional Sessions
Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj
in connection with Baikunthpur P.S. Case No. 116 of 2025,
F.I.R. dated 27.03.2025 registered under Sections 81 and 3(5) of
the BNS, 2023 and Sections 3(1) (r) (s) of the Scheduled Castes
and Scheduled Tribes Act (Prevention of Atrocities) Act.



3. According to the prosecution case, this appellant on the pretext of marriage established physical relation with the respondent no. 2 and now refusing to marry her. It is further alleged that he also abused the respondent no. 2 and her mother and threatened them for dire consequences.

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. From perusal of the F.I.R. it appears that the respondent no. 2 herself stated that on the pretext of marriage the appellant has committed sexual assault with her but it also appears from the F.I.R. that the physical relationship has been established between the two with the consent of the victim. And as far as the allegation under the SC/ST Act is concerned, it appears from the F.I.R. that the occurrence took place at the house of the respondent no. 2 which is not an open place, so no case is made out under the SC/ST Act. Apart from that the medical report also does not support the allegation as alleged in the F.I.R. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since



02.04.2025.

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, 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 District and Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Baikunthpur P.S. Case No. 116 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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