

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3696 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- MOHANPUR District- Gaya

Jaicky Kumar @ Jacky Kumar @ Jaicky Kumar Yadav Son of Late Bashudev
Yadav @ Late Manoj Yadav Resident of Village - Mahashimchak (Itwa),
Police Station - Mohanpur, District - Gaya (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Kamlesh Manjhi Resident of Village - Mahashimchak
(Itwa), Police Station - Mohanpur, District - Gaya (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Sonam Kumari, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Complainant	:	Mr. Abhay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 10-02-2026 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 27.08.2025 in B.P. No. 2977
of 2025 passed by the learned Exclusive Special Judge S.C./S.T.
(POA) Act, Gayaji in connection with Mohanpur P.S. Case No.
62 of 2025 registered for the offences punishable under Sections
126(2), 115(2), 64(1) & 352 of the Bharatiya Nyaya Sanhita and
under Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the
SC/ST Act.

3. The case of the complainant, in short, is that the



appellant has committed rape with the complainant.

4. Learned counsel for the appellant submits that date of the occurrence is 16.02.2025 whereas the FIR has been lodged on 21.02.2025. There is delay of five days in filing of the FIR. It has further been submitted that during course of investigation medical examination of the complainant was conducted and from the perusal of the medical examination it is clear that Doctor has opined that it is very difficult to say whether rape has been committed or not since the victim is married. Learned counsel for the appellant has submitted that parties have compromised the case out of the Court as good sense has prevailed between them.

5. Learned counsel for the complainant is present and he also admits the compromise between the parties.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 27.08.2025 in B.P. No. 2977 of 2025 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gayaji in connection with Mohanpur P.S. Case No. 62 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive



Special Judge, SC/ST Act, Gayaji, passed in B.P. No. 2977 of 2025, arising out of Mohanpur P.S. Case No. 62 of 2025.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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