

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3988 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- SC/ST District- Purnia

Vikash Kumar Bhagat son of Sri Mahesh Bhagat Resident of Village-
Dhankhaniya Ward no. 14, Po- Gurhi, Ps- Kasba, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Rupa Devi Wife of Sri Gulten Rishi Resident of Village- Dhankhaniya Ward
no. 14, Po- Gurhi, Ps- Kasba, Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Kumar Anand, Advocate
For the Resp. No. 2	:	Mr. Dr. Bidhu Ranjan, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-04-2026 Heard Mr. Amit Kumar Anand, learned counsel

appearing for the appellant, Mr. Dr. Bidhu Ranjan, learned
counsel appearing on behalf of the Respondent No. 2 and Mr.
Binay Krishna, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (hereinafter referred to as the “SC/ST Act”)
against the refusal of prayer for regular bail vide order dated
19.12.2024 passed by the learned District & Additional Sessions
Judge-I-cum-Special Judge SC/ST (POA) Act, Purnea in
connection with Special SC/ST Case No. 50 of 2025 arising out
of SC/ST P.S. Case No. 105 of 2024, F.I.R. dated 02.12.2024



registered under Section 64 of the B.N.S., 2023 and Sections 3(1)(x) of the SC/ST Act.

3. Allegation against the appellant is of committing rape upon the victim.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R. Apart from aforesaid, learned counsel for the appellant submits that it appears from the complaint petition/F.I.R. that the date of occurrence as alleged in the complaint petition is 14.07.2024 but the present complaint petition has been filed on 12.11.2024 after delay of about four months without giving any explanation of delay and apart from that the medical examination of the victim does not support the allegation as alleged in the complaint petition/F.I.R. and in the medical report it has been found that the victim was major. The statement of the victim was recorded under Section 183 of the B.N.S.S., 2023 in which she has supported the case of the prosecution but from perusal of the complaint petition as well as statement of the victim which suggests that both are contradictory to each other. He further



submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 19.12.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant have vehemently opposed the prayer for bail of the appellant.

6. Considering the 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 District & Additional Sessions Judge-I- cum Special Judge, SC/ST (POA) Act, Purnea in connection with Special SC/ST Case No. 50 of 2025 arising out of SC/ST P.S. Case No. 105 of 2024, with the following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 has 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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