

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4037 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- BACHHWARA District- Begusarai

Devendra Sah @ Devendra Das S/o- Late Ajit Sah @ Late Uchit Sah Resident
of village- Kadrabad Ward no- 12 P.S- Bachwara District-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Amar Paswan S/o- Lata Lakshman Paswan R/v- Kadrabad, W.No-12, Ps- Bachwara Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sarvottam Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Randhir Kumar No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 22-01-2026 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 02.09.2025 passed by learned Court of Exclusive Special Judge, SC/ST Act, Begusarai whereby the prayer for bail of the appellant in connection with Bachhwara P.S. Case No. 144 of 2025 under Sections 126(2), 64(2), 70(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 67, 67(A) of the Information Technology Act and Sections 3(1)(w), 3(2)(v) of SC/ST Act was rejected.

3. The allegation against the accused persons is of



committing rape upon the informant's daughter and also of making a video of the incident and circulating the same.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant submitted that the appellant is innocent and has not committed any offence as alleged in the FIR and has falsely been implicated in the present case. Learned counsel for the appellant submitted that general and omnibus allegation has been made against the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. It has been submitted on behalf of the appellant that the appellant is in custody since 28.04.2025 and has no criminal antecedent.

5. Learned S.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the appellant. Learned SPP further submitted that aunt of the victim in her statement recorded under Section 183 of the BNSS has corroborated the contents of the FIR. Learned SPP and learned counsel for the informant jointly submitted that the



allegations against the accused persons including the appellant are grave in nature, involving rape of a mentally challenged girl and preparation and circulation of a video of the incident, and therefore the appellant does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also the nature and gravity of offence, this Court is not inclined to grant bail to the appellant at this stage.

7. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

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