

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4073 of 2025**

Arising Out of PS. Case No.-537 Year-2025 Thana- BODHGAYA District- Gaya

- 
1. Vinay Kumar son of Ayodhya Mahto Resident Of Village- chanda, Ps- Telhara, dist- Nalanda
  2. Ajit Kumar Son of Bihari Jamadar Resident Of Village- chanda, Ps- Telhara, dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. X Daughter of Jatu Bharti Resident Of Village- Ekamba, Ps- Korhi, dist- Gaya

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate  
For the State : Mr. Sadanand Paswan, Spl. P.P.

---

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      01-04-2026                      Despite of entered appearance on behalf of Respondent No. 2, no one appears on behalf of Respondent No. 2.

2. Heard Ajay Kumar Thakur, learned counsel appearing for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

3. 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 29.08.2025 passed by the learned Exclusive Special Judge,



SC/ST (POA) Court, Gayaji in connection with Bodhgaya P.S. Case No. 537 of 2025, F.I.R. dated 25.07.2025 registered under Sections 70(1), 3(5) of the B.N.S., 2023 and later on Sections 3(1)(r)((s)(w), 3(2)(v) of the SC/ST Act were added.

4. Allegation against the petitioners is that they along with other two co-accused persons have committed gang rape in the ambulance while the victim was being taken to medical college.

5. Learned counsel for the appellant submits that the appellants have clean antecedents and they have 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 appellants have not committed any offence as alleged in the F.I.R. and the appellants have been made accused due to ulterior motive.

6. Learned Special Public Prosecutor for the State, on the other hand, on the basis of material available on record and case diary, vehemently opposed the prayer for bail of the appellants and submits that the statement of victim was recorded under Section 183 of the B.N.S.S., 2023 in which she has fully supported the case of the prosecution and apart from that the medical report of the victim also suggests that she has been



sexually exploited by the appellants and other co-accused persons.

7. Considering the nature of allegation against the appellants supported by the victim as well as the medical evidence, I am not inclined to enlarge the appellants on bail in connection with Bodhgaya P.S. Case No. 537 of 2025 pending in the Court of learned Exclusive Special Judge, SC/ST (POA) Court, Gayaji.

8. Prayer is refused.

9. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

**(Rajesh Kumar Verma, J)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

