

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4338 of 2025

Arising Out of PS. Case No.-828 Year-2025 Thana- MADHEPURA District- Madhepura

Amish Jha @ Amish Kumar @ Amish Kumar Jha @ Chirag Jha S/O Aman
Jha R/o Jay Prakash Nagar, Ward No. 6, P.S.- Madhepura, District Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi W/O Arun Paswan R/O Bhrikhi, Ward No. 22, P.S. Madhepura,
District Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Prabhakar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Praveen Kumar Agrawal, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 12-03-2026 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 08.10.2025 passed by learned ADJ-1-cum-Special Judge, SC/ST Act, Madhepura whereby the prayer for bail of the appellant in connection with SC/ST Case No. 82 of 2025, Madhepura P.S. Case No. 828 of 2025 under Sections 115(2), 126(2), 76, 78, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s) of SC/ST Act was rejected.

3. As per the prosecution case, the appellant along with other co-accused pulled the informant's daughter inside the



car, misbehaved with her and when she opposed, the appellant assaulted her and gave knife blow on her hand.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case on account of previous enmity regarding sharing of earnings from social media reels made jointly with the alleged victim. A monetary dispute arose when the victim demanded ₹50,000/- which was settled before the local panchayat on 22.09.2024 and ₹25,000 was paid to her; the agreement itself records her age as about 19 years and the medical report also assesses her age between 18–20 years. It is further submitted that the victim had earlier threatened to misuse videos and falsely implicate the appellant, regarding which a *sanha* application was filed. Learned counsel further contended that the victim's statements are inconsistent, the medical report does not support the allegation, and even after investigation the police submitted final form finding no evidence against the appellant, however, learned court below differing with the same took cognizance under Sections 115(2), 126(2), 76, 78, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r)(s) of the SC/ST Act. 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. The appellant is in custody since 07.08.2025 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08.10.2025 passed by learned ADJ-1-cum-Special Judge, SC/ST Act, Madhepura in connection with SC/ST Case No. 82 of 2025, Madhepura P.S. Case No. 828 of 2025 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST Case No. 82 of 2025, Madhepura P.S. Case No. 828 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

