

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4597 of 2025**

Arising Out of PS. Case No.-465 Year-2025 Thana- GARKHA District- Saran

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Mukesh Kumar S/o- Shrvan Singh Village- Sadhpur Police station- Garkha  
District-Saran Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Khushi Paswan S/o- Sanjay Paswan R/v- Enai Mukrera Ps- Revelganj Dist-  
Saran

... .. Respondent/s

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**Appearance :**

|                     |   |                                      |
|---------------------|---|--------------------------------------|
| For the Appellant/s | : | Mr. Brij Kishor Mishra, Advocate     |
| For the Resp. No. 2 | : | Mr. Dewendra Narayan Singh, Advocate |
| For the State       | : | Mrs. Usha Kumari 1, Spl. P.P.        |

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

4      01-04-2026                      Heard Mr. Brij Kishor Mishra, learned counsel  
  
appearing for the appellant, Mr. Dewendra Narayan Singh,  
  
learned counsel for the Respondent No. 2    and Mrs. Usha  
  
Kumari 1, 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  
  
12.08.2025 passed by the learned Exclusive Special Judge  
  
SC/ST, Saran at Chapra in connection with Garkha P.S. Case  
  
No. 465 of 2025, F.I.R. dated 21.06.2025 registered under  
  
Sections 76, 3(5) of the B.N.S., 2023 and Sections 3(i)(r)(s)/3(2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in short, is that the informant had come to her maternal uncle house on the occasion of marriage from where on 20.06.2025 at 08:00 P.M. while she went to natural call and appellant Mukesh Kumar and Alok Kumar Singh caught her from the backside and taken away towards dark place and in that course Mukesh Kumar had shut down her mouth while Alok Kumar had caught her. It is further stated that she started shouting for help in result the villagers came there to rescue her. Appellant Mukesh Kumar was caught while another anyhow fled away from the place.

4. Learned counsel for the appellant submits that the appellant is innocent 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. and the appellant has been made accused due to village politics and no such occurrence had taken place. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 21.06.2025.

5. Learned counsel for the Respondent No. 2 as well



as learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the appellant and submits that the appellant is involved in the present crime in question and apart from that the appellant carries one more case of almost similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the appellant is on bail in the pending matter.

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 Exclusive Special Judge SC/ST, Saran at Chapra in connection with Garkha P.S. Case No. 465 of 2025, 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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