

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4589 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- Mohanpur District- Purnia

Chhatish Kumar Sharma @ Chhatish Kumar @ Chhatish Sharma S/O
Vindeshwari Sharma Resident of Village-Topra, Ward No. 10 (Balua), Police
Station- Mohanpur, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Ajit Paswan @ Malku Paswan Resident of Village-
Topra Ward No. 10, Police Station- Mohanpur, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vivekanand Singh, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-07-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 10.10.2025 passed in a case registered for the offence
punishable under Sections 126(2), 115(2), 352, 351(2), 64(1)
and 3(5) of the B.N.S. and Sections 3(1)(r)(s)(w)(i)(ii) and 3(2)
(va) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, whereby the prayer for grant of bail to the
appellant has been rejected.



4. As per prosecution case, it is alleged that on 04.09.2024 at about 3 PM, while the informant was going to cut grass, in the meantime, this appellant, along with co-accused Niranjana Sharma, stopped her, tried to touch her with bad intentions, took her to the grass field and thereafter, both of them committed rape with her.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. Both parties are close door neighbours and the present case is counter-blast of Mohanpur P.S. Case No. 86 of 2024 which was filed by father of this appellant, which is earlier in point of time, against informant and her family members and in retaliation and only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. The present F.I.R. has been lodged after inordinate delay of 4 days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. There is absolutely no allegation of abuse by caste name against this appellant and as such, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellant has got no criminal antecedents and he is in custody since 06.03.2025. It is lastly submitted that charges have already been framed against this appellant on 10.09.2025.

6. Learned Spl. P.P. appearing for the respondent-State



has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case, period of custody and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 10.10.2025 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge, S.C./S.T. (POA) Act, Purnea in connection with Special S.C./S.T. Case No. 75 of 2025 arising out of Mohanpur P.S. Case No. 88 of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, 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 and Additional Sessions Judge-1-cum-Special Judge, S.C./S.T. (POA) Act, Purnea in connection with Mohanpur P.S. Case No. 88 of 2024.

(Prabhat Kumar Singh, J)

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