

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4706 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- MADHEPUR District- Madhubani

Raja Kumar @ Raja Yadav S/o Sukhdev Yadav R/o Village- Agargarha, P.S -
Marauna, District - Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Devi D/o Shiv Kumar Yadav R/o Village - Kaparphora, Mahisam,
Ward No. 10, P.S - Madhepur, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jitendra Kumar Bharti, Advocate Ms. Nitu Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Special PP
For the Informant	:	Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-05-2026 1. Heard learned counsel for the appellant, the learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act) against the refusal of prayer of bail vide order dated
27.05.2025 passed by the learned District & Additional Sessions
Judge-1-Cum- Special Judge, SC/ST Act, Madhubani in G.R.
No. 133 of 2024 connection with Madhepur P.S. Case No.
123/2024 dated 30.08.2024 registered for the offences
punishable under Sections 137(2) and 70(2) of the B.N.S read



with Sections 3(1)(r), 3(1)(wi) and 3(2)(v) of the SC/ST Act and Sections 4 and 6 of the POCSO Act.

3. The learned counsel for the appellant submits that appellants is a person with clean antecedent and is in custody since 27.05.2025 and the informant alleges that on 29.08.2024 at around 10 pm, the informant had gone to Bochhi Dhalan with her sister-in-law and some girls of the village to see the *Janmashtami* fair, while visiting the fair, her sister-in-law and others got separated in the fair, when the informant was returning to home, the appellant along with co-accused and others started following her and at around 2 O'clock in the night, five people riding two motorcycles intercepted her and Abhay Kumar Yadav and his companions tied her mouth with a *dupatta* and made her sit on the motorcycle forcefully and took her to Agarraha Gachi, where all the accused persons committed raped in turn and when the informant's health started deteriorating, they left her near Belwa dam and fled away

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is further submitted that statement of the victim was recorded under Section 183 BNSS wherein she has not stated the name of the appellant in the crime alleged, it is also



submitted that the medical examination of the informant was done on 01.09.2024 when the occurrence is dated 30.08.2024 and the injury report does not corroborate the allegation of rape. It is also submitted that similarly situated co-accused Raju Yadav along with Jyotish Yadav had approached this Court seeking regular bail by filing Criminal Appeal (SJ) No. 1977 of 2025 and the same came to be allowed by an order dated 24.07.2025 passed by a learned Co-ordinate Bench, further Ram Sagar Yadav and Abhay Kumar Yadav also sought regular bail by filing Criminal Appeal (SJ) No. 418 of 2025 and the same also came to be allowed by an order dated 08.05.2025 passed by a learned Co-ordinate Bench. It is next submitted that case of the appellant is similar to the case of those who have been granted the privilege of regular bail.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant opposes the appeal. Learned counsel appearing on behalf of the informant submits that charge sheet has been submitted and cognizance has been taken, as such, a *prima facie* offence is made out, on which the learned counsel appearing on behalf of the appellant submits that this explains that how police in mechanical manner investigates and the learned Trial Court also takes cognizance without appreciating



the facts which have transpired in the investigation.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 27.05.2025 passed by the learned District & Additional Sessions Judge-1-Cum-Special Judge, SC/ST Act, Madhubani in G.R. No. 133 of 2024 connection with Madhepur P.S. Case No. 123/2024, **is hereby set aside** and the appellant above-named, is directed to be enlarged on bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor court in connection with Madhepur P.S. Case No. 123 of 2024.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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