

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5132 of 2025

Arising Out of PS. Case No.-340 Year-2025 Thana- SABAUR District- Bhagalpur

Nitish Kumar Mandal S/o- Sikendra Mandal Resident of Vilag- Santnagare,
Rajandipur, PS- Sabour District-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulan Devi W/o- Jaikant Paswan Resident of Village- Santnagar,
Rajandipur, PS- Sabour District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajive Ranjan Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For Respondent No.2	:	Mr.Rajive Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-04-2026 Heard Mr.Rajive Ranjan Singh, learned counsel for
the appellant (A.O.R.No.05090), Mr.Rajive Ranjan Singh,
learned counsel for respondent No.2 (A.O.R.No.0733) and
Mr.Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 13.11.2025 passed by the learned District and Additional
Sessions Judge -III-cum-Special Judge(SC/ST Act), Bhagalpur
in Sabour P.S. Case No.340 of 2025/Special SC/ST Case
No.187/2025, F.I.R. dated 19.09.2025 registered under Sections



126(2),329(4),74,76,115(2),351(2),352 of BNS and Section 3(1)(r),3(2)(va)of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act but cognizance has been taken under Sections 64(1),62,115(2),351(2),352 of BNS and Section 3(2)(VA), 3(i)(r)(w)of the SC/ST Act.

3. Allegation against the appellant is that he tried to commit rape upon the victim.

4. Learned counsel for the appellant submits that the allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. As per allegation in the FIR that the appellant has tried to commit rape upon the victim. Learned counsel for the appellant submits that in fact the appellant has gone to the house of the informant for taking some previous dues amount and due to some reason the appellant has falsely been implicated in the present case and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 19.09.2025.

5. Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant has participated in the present crime in question, apart from that, the appellant



carries one more case other than the present one but fairly submits that the appellant is on bail in the said case, as mentioned in para-3 of this bail petition.

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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge -III-cum-Special Judge(SC/ST Act), Bhagalpur in connection with Sabour P.S. Case No.340 of 2025/Special SC/ST Case No.187/2025, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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)

Nitesh/-

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