

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1771 of 2020**

Arising Out of PS. Case No.-18 Year-2020 Thana- MAHILA PS District- Buxar

MD. IBRAHIM S/o Md. Kamarudin Ansari Resident of Village-Sonbarisa,
Police Station-Buxar (Ind), District-Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Dr. Amrendra Kumar, Adv.

Mr.Rajeev Ranjan, Adv

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-12-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 27.5.2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Buxar, whereby the prayer for bail of the appellant in connection with Buxar Mahila P.S. Case No. 18 of 2020 registered under sections 376, 420, 341, 323, 506 and 34 of the Indian Penal Code, sections 3(1)(r)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act and sections 4 and 5 of the Immoral Traffic Act to which section 370 of the Indian Penal Code was added subsequently, was rejected.



As per allegation in the FIR, it is stated by the informant that the accused Suman Singh got her here on the assurance that he would engage her in the work of a tailor and she would get a sum of Rs. 3,000/- per month. It is stated that Suman Singh and the appellant herein used to make them dance in orchestra programme that they ran. It is further stated that on the informant being alone, the appellant herein used to force himself on her.

It is submitted by learned counsel for the appellant that the allegations as made in the FIR are false and concocted. It is submitted that the informant and others used to dance in the orchestra programme and it was over a trivial money dispute that the instant FIR had been registered giving a different picture. It is further submitted that it is for this reason that there has been no prior complaint with respect to the alleged occurrence by the informant before any authority. The appellant is in custody since 2.3.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. P.P. for the State.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the materials on record, it transpires that there is



specific allegation of rape against the appellant in the FIR. Further from the medical report, which has come in course of investigation, in the opinion of the team of doctors, the age of the informant is between 17 to 18 years, in their opinion the possibility of sexual act is present and there being direct allegation against the appellant, the Court is not inclined to allow the instant appeal.

The appeal stands rejected.

The learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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