

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2223 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJEPUR District- East Champaran

Bikki Kumar S/o Vishun Ram @ Visun Ram Resident of Village- Kuamal,
P.S.- Rajepur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 23-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Notice has already been issued in this case vide order
dated 02.11.2022.

The appellant has preferred this appeal against the
order dated 23.04.2022 passed by learned Special Judge,
Schedule Caste and Schedule Tribe Act, East Champaran at
Motihari whereby the prayer for bail of the appellant in
connection with Rajepur P.S. Case No. 20 of 2022, lodged under
Sections 376(D) and 34 of the Indian Penal Code read with
Section 3(2)(V) of Schedule Caste and Schedule Tribe Act
(Prevention of Atrocities) Act, was rejected.

As per prosecution case, the informant has submitted
that at about 4 p.m. on 10.01.2022, when she was coming to her

Naihar from *Sasural* then six named accused persons including the present appellant had abducted her and brought her into a hut, where it was alleged that all the accused persons used force on her and present appellant and one other accused had raped her. They also prepared a video of the said event and thereafter left her with threatening that in case she disclosed about this occurrence to anybody, her video shall become viral.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that the alleged date of occurrence is 10.01.2022 whereas the F.I.R. was lodged on 15.01.2022. He also submits that antecedent of appellant is clean, he is in custody since 16.01.2022 and charge-sheet has already been filed.

Learned Special Public Prosecutor vehemently opposes the prayer for bail and submits that cause of delay in filing the F.I.R. has already been explained in the F.I.R. itself. He further submits that the victim has stated before the Magistrate in her statement under Section 164 Cr.P.C. and supported the complete statement what she has alleged in the F.I.R. and supported the above said statement what she had narrated in the F.I.R.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the appellant and therefore the bail application of the appellant is hereby **rejected** and the order dated 23.04.2022 passed by learned Special Judge, (SC/ST) Act, East Champaran at Motihari arising out of Rajepur P.S. Case No. 20 of 2022 is hereby approved.

(Dr. Anshuman, J.)

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