

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1081 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- MAHILA P.S. District- Nawada

BHUTTU MIYAN @ MUSROOR ALAM Son of Murshid Alam R/V-
Baroshar, P.S- Meskaur (O.P) Dist- Nawada

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma

For the Respondent/s : Mr.Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 11.01.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in BP No. 5228 of 2022 whereby the prayer for bail of the appellant in connection with Nawada Mahila P.S. Case no. 17 of 2022 under Sections 376, 341, 504, 506/34 of the Indian Penal Code and section 3(i)(r)(s)(w), 3(2)(v) of the SC/ST (Prevention of Atrocities Act) Act was rejected.

Allegation against the appellant is of committing forceful rape upon the victim informant while she was returning after getting treatment. Accused Nabab caught her



both hands and closed her mount and thereafter appellant committed rape. On raising alarm by the victim informant, local people gathered there but he accused persons managed to escape after threatened her of dire consequences.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Family of the informant indulged in business of illicit liquor for which appellant used to protest her family and when family members of the informant were caught by the police, the present case with false and concocted story has been filed by the informant against the appellant. The appellant has no intention to disgrace the image of the informant in public view. Victim is a major. The medical report also not supported the prosecution case. Appellant is languishing in judicial custody since 22.08.22.

The application for bail is opposed by learned Spl. P.P. for the State and submitted in statement recorded u/s 164 Cr.P.C, she has made direct allegation of rape against the appellant in her pregnancy stage. During investigation, several witnesses have supported the prosecution story.

Having heard learned counsel for the parties and



taking into consideration the fact that there is direct allegation of committing rape against the appellant, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for regular bail is rejected.

The application stands disposed off.

The trial court is directed to expedite and conclude the trial at the earliest.

(Sunil Kumar Panwar, J)

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