

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1135 of 2023**

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

Nawab @ Md. Aatollah S/O Md. Abdul Barik @ Barik Ansari R/O Village-
Badosar, P.S- Meskaur, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Devi W/O Bablu Choudhary R/O Village- Arandi, P.S- Meskaur,
District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent	:	Mr. Pramod Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-08-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 02.12.2022
passed by the learned Court of Exclusive Special Judge, SC/ST
(POA) Act, Nawada in connection with Mahila P.S. Case No. 17
of 2022, F.I.R. dated 13.08.2022 registered under Sections 376,
341, 504, 506 and 34 of the Indian Penal Code but the police
have submitted the charge sheet under Sections 341, 323, 376,
504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)
of the Scheduled Castes and Scheduled Tribes (POA) Act.



3. According to the prosecution case, this appellant along with other accused person have caught the respondent no. 2 and forcibly pulled her on ground. It is further alleged that this appellant caught her hands and closed her mouth and the co-accused had committed rape upon her and thereafter, they abused her and threatened her for dire consequences.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the appellant was also involved in the crime in question and he was actively participated in the said crime.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail in connection with Mahila P.S. Case No. 17 of 2022 pending in the



court of learned Exclusive Special Judge, SC/ST (POA) Act,
Nawada.

7. Accordingly, the impugned order is affirmed and
this appeal stands dismissed.

(Rajesh Kumar Verma, J)

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