

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3170 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- NOORSARAI District- Nalanda

Md. Afreedi S/O Md. Rizwan R/O Village- Musepur, Ps. Noorsarai, Dist. Nalanda, 803118

... .. Appellant/s

Versus

1. The State Of Bihar
2. Suhaagi Devi W/O Sumindar Paswan R/O Village- Ibrahimpur, Ps. Noorsarai, Dist. Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Adil Abbas
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 08-02-2024 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 16.06.2023 passed by learned Additional District and Sessions Judge-cum-Special Judge SC/ST Act, Bihar Sharif whereby the prayer for bail of the appellant in connection with Noorsarai P.S. Case no. 126 of 2023 under Sections 342, 376(D) of the Indian Penal Code and section 3(i)(r)(s)(w)/ 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

The prosecution case in nutshell is that daughter of



the informant went for call of nature but she didn't return. Thereafter, informant along with his son, namely, Rahul Kumar went to search her. In this course, they heard sound of screaming from an abandoned house. When they reached at the spot, they found that 3-4 persons were sexually harassing the victim. Co-accused Md. Shadab was caught by the informant and appellant and other co-accused persons were identified by the informant as the persons who fled away from the spot.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics and communal hatred. It is further submitted that appellant use to work in Orissa for his livelihood and he visits his parental home occasionally. The appellant has no intention to disgrace the image of the informant in public view. The appellant has suo-motto surrendered on 23.03.2023 and since then he is languishing in judicial custody.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and



submitted that petitioner is named in F.I.R. and there is specific allegation against the appellant to commit rape with the victim. Victim has recorded in her under Section 164 of Cr.PC., in which she has specifically stated about the complicity of appellant in her ravishment. Medical report (mentioned in impugned order) also corroborates with the prosecution case.

Having heard learned counsel for the parties and after considering the aforesaid facts, I do not find it appropriate to grant bail to the appellant and, as such, his prayer for bail is rejected.

Learned Trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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