

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3190 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- RAXAUL District- East Champaran

1. Md. Arman @ Aslam Son Of Md. Jalil Resident Of Lal Medical, P.S. - Chanpatiya, District - West Champaran
2. Nurhoda Ansari Son Of Sanauar Ansari Resident Of Parsotipur, P.S. - Parwanipur, District - Parma (Nepal)
3. Md. Arman Son Of Md. Ajam Resident Of Village - Belhiya, P.S. - Ramgarhwa, District - East Champaran
4. Saukat Khkan Son Of Ishrail Khan Resident Of Village - Kanti, Ward No.3, P.S. - Kanti, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhadai Ram Son Of Late Jagarnath Ram Resident Of Bara Prewa, Ward No.- 17, P.S-Raxaul, Dist-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 01-02-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 17.06.2023 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari, whereby the prayer for bail of the appellant in connection with Raxaul P.S. Case No. 178 of 2023 under Sections 376D, 376(2)(J)(i), 307, 326, 323, 342, 366/34 of the Indian Penal Code and Sections 3(2)(va) and 3(1)(w)(i)(ii) of the SC/ST Act was rejected.



3. The allegation against the appellants along with others is of assaulting the daughter of the informant and committed rape upon her.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is general and omnibus allegation against the appellants. He submitted that appellant no. 3 is the owner of the chicken firm and the local persons used to harass him and pressurize for supplying the chicken free of cost and as he had refused to oblige them to the local persons including the informant had stolen chicken from his firm and to save themselves got the petitioner implicated in a false case. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant in public view. They are languishing in judicial custody since 11.04.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that the appellants are named in the FIR and there is specific overt act against them. The victim is a dumb lady and from the perusal of the victim's statement recorded under Section 164 of the Cr.P.C., it appears that these



appellants have assaulted her brutally and committed rape upon her forcefully, which corroborates the prosecution case. During investigation several witnesses have also corroborated the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the appellants on bail and, as such, their prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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