

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4953 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- PAHARPUR District- East Champaran

Tufan Alam S/O Mustakim Alam R/O Village- Noneya Mahto Tola, P.S-
Paharpur, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sona Devi W/O Kanahaiya Paswan R/O Village- Noneya Mahto Tola, P.S-
Paharpur, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhurendra Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, SPP
For the O.P. No. 2	:	NONE

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 09-05-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Earlier notice issued to respondent No. 2 was not accepted by the O.P. No. 2. None appears for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 27-07-2023 passed by Learned Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Paharpur PS Case No. 188 of 2023 instituted for the offence under Sections 363, 366A, 504, 506 & 34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act was rejected.



3. Prosecution case, in short, is that appellant has abducted the daughter of the informant for the purpose of marriage.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. It is submitted that though there is allegation of sexual assault, but from perusal of medical report, it transpires that there is no sign of sexual assault. It is also submitted that there is delay of 9 days in lodging of the FIR. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 05-07-2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. It is submitted that the daughter of the informant has given her statement under Section 164 of the Cr.P.C. wherein she has stated that on 20-05-2023, the accused, namely, Arun Kumar and Tufan Alam took her away forcibly and sexually



assaulted her, which fact is apparent from bare perusal of paragraph No. 38 of the case diary.

6. Considering the aforesaid facts and circumstances of the case, statement of the victim under Section 164 corroborated with the contents in the FIR and nature and gravity of the offence, this Court is not inclined to allow this appeal. Accordingly, the appeal is **rejected**.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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