

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.465 of 2025

Arising Out of PS. Case No.-338 Year-2024 Thana- BARHARA District- Bhojpur

Vishwakarma Prasad S/o Umesh Prasad R/o vill - Barahara, P.S. - Barahara,
Distt.- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Neetu Devi D/o Lahabar Ram R/o vill - Bilota, P.S.- Sahpur, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Prasad Gupta, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP
For the Informant : Mr. Bibhakar Tiwary, Advocate

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

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 16.12.2024 passed by learned 1st
Additional Session Judge cum Special Judge SC/ST Act,
Bhojpur at Ara whereby the prayer for bail of the appellant in
connection with Barhara P.S. Case No. 338 of 2024 under
Sections 64, 352, 351(3) of the BNS and Sections 3(1), (w),
3(2), (v) of SC/ST Act was rejected.

3. The accusation against the appellant is of sexually
exploiting the victim as also of recording her obscene video.



4. Learned counsel for the appellant submitted that the appellant is innocent and has not committed any offence as alleged in the FIR and has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of three months in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that victim is the sister-in-law of the appellant. Learned counsel further submitted that the appellant never forced the informant to make physical relationship with him. Learned counsel for the appellant further submitted 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 15.11.2024 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. Learned SPP further submitted that victim in her statement under Section 183 of the BNSS has specifically stated that this appellant established forceful physical relations with her. Learned SPP therefore, prays that appellant may not be release on bail.



6. Considering the aforesaid facts and circumstances of the case as also Section 183 BNSS statement of the victim, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the present appeal is dismissed.

8. Learned Trial Court is directed to expedite the trial.

9. However, if the trial is not concluded within a period of six months from today, the appellant has liberty to renew the prayer for grant of bail before the learned court below.

(Rudra Prakash Mishra, J)

Alok Verma/-

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