

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.686 of 2025

Arising Out of PS. Case No.-6 Year-2022 Thana- BASANTPUR District- Siwan

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Tinku Kumar @ Rinku Kumar @ Rinku Kumar Rai @ Vishwamitra Kumar
S/O Achhelal Rai R/O Village- Basaw Mathia Tola, P.S.- Basantpur, District -
Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Sitab Manjhi S/O Sheopujan Manjhi R/O Village- Basaw Mathia Tola, P.S.-
Basantpur, District - Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raghav Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	None

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

ORAL ORDER

3 17-04-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Perused the case diary.

None appears on behalf of the informant despite notice being

validly served.

2. The instant appeal has been filed by the appellant
against the order dated 21.01.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, Siwan whereby
the prayer for bail of the appellant in connection with Basantpur
P.S. Case No. 6 of 2022 under Sections 363, 366A, 34 of the
IPC and Sections 3(1)(r)(s)(w)(ii)/3(ii)(v) of SC/ST Act was
rejected.



3. The prosecution case, in short, is that the appellant enticed the minor daughter of the informant and fled away with her on the pretext of marriage.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of two months in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that there was love affair between the victim and the appellant and this appellant never compelled her to do anything against her will. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has not whispered anything against the appellant. 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 23.12.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that



police after investigation submitted charge-sheet under Sections 366, 363, 376, 34 of the IPC and Sections 4/6 of the POCSO Act as also under Section 3(i)(r)(s)(w)(2)3(2)(v) of the SC/ST Act.

6. Considering the aforesaid facts and circumstances of the case as also the submission of the charge-sheet under Sections 366, 363, 376, 34 of the I.P.C., Sections 4/6 of the POCSO Act as also under Section 3(i)(r)(s)(w)(2)3(2)(v) of the SC/ST Act, 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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