

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1070 of 2025

Arising Out of PS. Case No.-57 Year-2024 Thana- MAHILA P.S District- West Champaran

Farhan @ Farhan Alam @ Faran Alam Son of Afroj Alam @ Afroj Ahmad @
Afroj Ahamad Resident of village- Chhavani @ Chhawani ward No 05, PS-
Bettiah Kali Bhag O.P, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Kumari @ Raushni Kumari D/o Late Mohan Ram @ Suresh Ram R/o
vill - Chawani, Hariyan Tola, ward no. 3, P.s.- Manupul, Distt.- West
Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sujeet Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

7 24-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant
against the order dated 23-01-2025 passed by Bettiah Mahila PS
Case No. 57 of 2024 whereby the prayer for bail of the appellant
in connection with under Sections 70(1) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(va) of SC/ST
Act was rejected.

3. On November 26, 2024, at 6:00 PM, the informant
alleges she was meeting her boyfriend and his friend in Vaishno
Colony when the appellant and co-accused, who were cooking



nearby, approached them. They allegedly pushed her boyfriend and his friend away, then serially raped the informant.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to personal enmity and ulterior motives. The allegations made in the FIR are vague, omnibus, and appear to be an afterthought intended to harass the appellant. The prosecution case is based solely on suspicion and surmises, with no legal evidence or cogent material to substantiate the charges. Even the conduct of the informant and presence of her boyfriend and his friend at the place of occurrence raise serious doubts about the authenticity of the case. Charge-sheet has been submitted in this case. 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 27-11-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. Referring to statement of the victim recorded under Section 183 of the



BNSS, 2023, it is submitted that victim has fully supported the prosecution case. Bail of other co-accused has been rejected by a Co-ordinate Bench of this Court vide order dated 06-03-2025, passed in Cr. Misc No. 10589 of 2025.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence coupled with the fact that victim has fully supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023, this Court is not inclined to grant bail to the petitioner. Appeal is accordingly *dismissed*.

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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