

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1294 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- JAMALPUR District- Munger

Nilendra Kumar Singh Son of Nripendra Singh @ Nripendra Kumar Singh @
Nipendra Singh Resident of Mohalla - Basudeopur, Near Nand Kumar High
School, P.S. - Kotwali (Basudeopur), District - Munger

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Aarushi Chaudhary Daughter of Anil Chaudhary Resident of Khalasi
Mohalla, Mohanpur, Jamalpur, P.S. - Jamalpur, District - Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indu Bhushan
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 18-09-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. Despite the notice has

validly been served but none appeared on behalf of the

Respondent No. 2

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail vide
order dated 17.12.2024 passed by the learned Special Judge,
Munger in connection with Jamalpur P.S. Case No. 98 of 2024
dated 16.05.2024 registered for the offence/s punishable u/ss
341, 323, 376, 385 of the IPC and sections 3(1)(r), 3(1)(s) 3(2)
(v) of the SC/ST (POA) Act and section 67A of the IT Act.



3. As per the prosecution case, the appellant called the informant to his house by saying that he was ill, and with the assistance of the other co-accused, established physical relationship with her forcibly by administering intoxicated cold drink and made obscene video of her. It is further alleged that when the victim became conscious, she found herself in nude condition. It is further alleged that the appellant also demanded Rs. 5 lakhs otherwise he would made her obscene video viral. When the victim started protesting, the appellant made her obscene video viral and abused and assaulted her by calling her caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under the SC/ST Act. The appellant is not named in the FIR. There is nothing against the appellant except suspicion. It is further submitted that no any ingredient under section 375 of the IPC in the FIR under such circumstances, no case under section 376 of the IPC will be



made out against the appellant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 24.05.2024

5. Learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant by submitting that there is specific allegation against the appellant of administering her intoxicated cold drink and thereafter committed rape on her. As per the impugned order, the victim has also corroborated her statement made in FIR and all the witnesses have supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 17.12.2024 passed by the learned Special Judge, Munger in connection with Jamalpur P.S. Case No. 98 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

(Chandra Prakash Singh, J)

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