

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2898 of 2025

Arising Out of PS. Case No.-447 Year-2024 Thana- KANTI District- Muzaffarpur

Shyama Kumar@ Shyam Kumar S/O Dhanai Sah R/O Village- Bishundatpur,
P.S- Kanti, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Kumari D/O Shivaji Paswan R/O Village- Shubhankarpur, P.S- Kanti,
Dist.- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mani Bhushan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

7 27-11-2025 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 17.06.2025 passed by learned Special Judge, SC/ST Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Kanti PS Case No. 447 of 2024 instituted under Sections 64, 352, 351(3) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(r)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant allegedly had a physical relationship with the informant under the promise of marriage, later he denied the relationship. His



family members used caste based slurs when the informant's family approached them for marriage.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case, as no such incident ever occurred between the parties. The informant has allegedly filed this false case for blackmailing and to obtain money, intending to damage the appellant's family reputation. No medical examination was conducted as the informant herself declined it, further casting doubt on the allegations. 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 12.06.2025 and has no criminal antecedent. Referring to the supplementary affidavit, it is submitted that three prosecution witnesses have been examined in this case.

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



BNSS, 2023, it is submitted that victim has fully supported the prosecution case. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that victim has supported the prosecution case as also trial has commenced and the same is at an advance stage, this Court is not inclined to grant bail to the appellant. Appeal is, accordingly, **dismissed**.

7. The District Magistrate, Muzaffarpur and the Senior Superintendent of Police, Muzaffarpur are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.



10. Let this order be communicated to the District Magistrate, Muzaffarpur and the Senior Superintendent of Police, Muzaffarpur.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

