

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4056 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Md. Parvez @ Musaraf Parvez @ Md. Parbej Son of Md. Kalimuddin Village
-Hasanpur Baagar, (Hasanpur Bangar), Hasanpur, Ward No. 04, P.S-
Nowkothi, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Sikandar Ram Son of Late Sukhdev Ram Village -Hasanpur Baagar,
(Hasanpur Bangar), Hasanpur, P.S- Nowkothi, District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sandip Kumar Gautam, Adv.
For the informant	:	Mr. Ashutosh Kumar, Adv.
		Ms. Moni Kumari, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

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

ORAL ORDER

3 20-02-2025 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

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 of bail of
the appellant vide order dated 01.08.2024 passed by the learned
Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in
Nowkothi P.S. Case No. 12 of 2024 dated 27.01.2024 registered
for the alleged offences punishable under Sections 363 and 366
of the Indian Penal Code and and Sections 3(i)(r)(s)(w)/ 3(2)(v)



of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, on 25.01.2024, the informant's daughter went to Manjhaul College for taking coaching class by bus from her house but she did not return and her mobile was also switched off. Thereafter, the informant has lodged the present case.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The appellant is not named in the F.I.R. The name of the appellant has surfaced in this case during the course of investigation. The occurrence took place on 25.01.2024 but the F.I.R. was lodged on 27.01.2024 and there is no explanation for this delay. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 10.05.2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that as per the



impugned order, the victim in her statement recorded u/ss 161 and 164 of the Cr.P.C. has stated that she was going to coaching at Manjhaul, in the meantime, the appellant kept a scarf on her face and made her sit on the vehicle and when she regained consciousness then she found herself in a room and on query, the appellant told that she was in Kolkata and he committed rape on her and after one month, he took away her to Nepal and Hyderabad. As per the medical report, the victim is pregnant.

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 01.08.2024 passed by the learned Exclusive Special Judge, SC/ST (PoA) Act, Begusarai in connection with Nowkothi P.S. Case No. 12 of 2024 and accordingly, the prayer for bail of the appellant is rejected.

7. Learned trial court is directed to conclude the trial at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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