

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4032 of 2025**

Arising Out of PS. Case No.-210 Year-2025 Thana- PARAIYA District- Gaya

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Bittu Kumar Son of Mahesh Yadav Village- Dhamakba PS- Paraiya Distt
-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Nilam Kumari Daughter of Rajendra Das Village- Dhamakba PS- Paraiya
Distt -Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Paras Nath, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

4 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 08.09.2025 passed by learned Exclusive
Special Judge, SC/ST, Gayaji whereby the prayer for bail of the
appellant in connection with Paraiya PS Case No. 210 of 2025
instituted under Sections 115(2), 69, 88, 352, 351(2) & 3(5) of
the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s),
3(1)(w) & 3(2)(va) of SC/ST Act was rejected.

3. The prosecution alleges that the appellant
maintained a two-year relationship with the informant,
promising marriage and repeatedly having physical relations,



leading to two abortions. On June 7, 2025, the appellant lured her to a jungle, but when their plan was interrupted by his elder brother, the victim was assaulted and caught by her family while trying to follow the appellant, ultimately leading to the appellant's family refusing marriage and abusing the victim's family.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is delay of seven days in lodging the FIR. From perusal of the FIR, it would manifest that there was love affairs in between the appellant and the informant. As per medical report, victim is major and there is no definite sign of recent sexual intercourse. 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 02.08.2025 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have 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 supported the prosecution case and she has also stated that appellant forcibly took her to forest and made physical relationship. Charge sheet has already been submitted in this case under Sections 126(2), 115(2), 69, 64, 88, 352, & 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s)(w), 3(2)(va) & 3(2)(v) of the SC/ST Act.

6. Considering the aforesaid facts and circumstances of the case as also nature and gravity of the offence, this Court is not inclined to allow the appeal. 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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