

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5737 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- ARARIA District- Araria

Dilkhush Mandal S/o Vilash Mandal R/o vill - Karama, ward no. 3, P.S. -
Puraini, Distt.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabo Devi W/o Sudhir Mahoto R/o vill - Karama, ward no. 5, P.s - Puraini,
Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Buddhi Lal Yadav, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Vijay Kishore Bharti, Advocate

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

ORAL ORDER

4 01-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 29.11.2024 passed by Learned
Additional Session Judge-cum-Special Judge, Araria whereby
the prayer for bail of the appellant in connection with Araria
Town P.S. Case No. 362 of 2024 under Sections 363, 366(A) of
the Indian Penal Code read with Sections 3(1)(५) of SC/ST Act
was rejected.

3. Prosecution case, in short, is that, daughter of the
informant went to her maternal home. In the meantime, the



appellant along with other co-accused persons armed with deadly weapons abducted her in a four-wheeler vehicle. It is further alleged that when the informant confronted the accused, they abused her and said that they would not return her.

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 under Sections 363, 366(A) of the Indian Penal Code read with Section 3(i)(r)(s) of SC/ST Act. Learned counsel for the appellant also submits that the appellant and informant are co-villagers. There is no any eye witness to the said occurrence. It is next submitted that no specific allegation has been attributed against the appellant, rather the same is general and omnibus in nature. 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 04.08.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant and submitted that there is specific allegation against the appellant of abducting daughter of the victim. It is further submitted that the victim in her statement recorded under Section 183 of BNSS has supported the prosecution case and has levelled specific allegation against the appellant. Hence, the appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, specific allegation as also nature and gravity of the offence, this Court is not inclined to grant bail to the appellant at this juncture.

7. Accordingly, the appeal stands dismissed. The trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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