

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.136 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- SATHI District- West Champaran

Jaiprakash Srivastava @ Jay Prakash Srivastava Son of Dinesh Prasad
Srivastavaz @ Dinesh Prasad Srivastav village- ward no. 3, Satvariya, Ps-
Sathi, Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhimal Ram son of Late Bharat Ram village- ward no. 3, Satvariya, Ps-
Sathi, Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vatsal Verma, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

3 01-07-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. Despite valid service of notice,
none appears for the Informant.

2. The instant appeal has been filed by the appellant
against the order dated 22-11-2024 passed by learned Additional
Sessions Judge-1st-cum-Special Judge, SC/ST, Bettiah, West
Champaran whereby the prayer for bail of the appellant in
connection with Sathi PS Case No. 134 of 2024 under Sections
64, 351(3) & 123 of the Bharatiya Nyaya Sanhita, 2023 and
Sections 3(1)(w)(ii) & 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that the informant, Usha Devi (now deceased), alleged that Jayprakash Srivastava (appellant) repeatedly sexually exploited her by blackmailing her with explicit videos. On 06.07.2024, he allegedly confined her, forced intercourse, and made her consume poison, causing her to lose consciousness. She recorded her statement in the ICU before passing away, leading to registration of the FIR.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to enmity over land disputes and prior litigation against local police and influential persons. It is next submitted that on 06.07.2024, two unknown women brought the Informant (now deceased) in an unconscious state to his house claiming snake bite, whereupon he immediately took her to GMCH, Bettiah for treatment, as corroborated by medical records and CCTV footage, and informed her husband. It is submitted that the deceased's belated allegations of sexual exploitation and poisoning in her *fardbeyan* are vague, lack specific details or corroboration, and appear fabricated solely to harass the appellant and his family under pressure from vested interests seeking to usurp his property. 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 08-07-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently contended that appellant has established physical relation with the informant (deceased) even after her objection as well as made her video and threatened to viral the same and he forcibly fed her something like poison. The *fardbeyan* of the victim has been recorded by police on the same day she died which amounts to dying declaration. Opinion regarding cause of death is kept pending till chemical analysis report.

6. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the appellant that too which was recorded by the police when she was in ICU and taking into account the 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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