

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1063 of 2025

Arising Out of PS. Case No.-57 Year-2024 Thana- MAHILA P.S District- West Champaran

Irshad Kuraishi @ Irshad Quraishi Son of Mobarak Quraishi @ Mubarak Kuraishi Resident of village -Chhavani @ Chhawani Ward no 05, PS- Bettiah Kali Bhag O.P, District -West champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. XXX D/O Late Mohan @ Suresh Ram R/O Vill.- Chhavani, Harijan Tola, Ward no. 3, P.S.- Manuwapul, Dist.- West Champaran. At Present Manuwapul, P.S.- Manuwapul, Dist.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sujeet Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

14 18-04-2026 Despite valid service of notice, no one appears on behalf of the Respondent No. 2.

2. Heard Mr. Sujeet Kumar, learned counsel for the appellant as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 23.01.2025 passed by the learned Court of Additional District & Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 57 of 2024, F.I.R. dated 26.11.2024 registered under Sections 70(1) and 3(5) of the BNS, 2023 and Sections 3(2)(va) of the Scheduled Castes and



Scheduled Tribes Act (Prevention of Atrocities) Act.

4. According to the prosecution case, this appellant along with other accused persons have committed rape upon the victim.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. He further submits that there is specific allegation against the appellant that he has committed rape upon the victim. He further submits that the trial has begun and the victim has been examined as P.W-1 and she has not supported the case of the prosecution and has stated that no such occurrence has taken place and she has become hostile. The appellant is in custody since 27.11.2024.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant on the ground that the appellant carries one criminal antecedent other than the present one but fairly submits that he is on bail in the said case and further submits that the victim has not supported the case of the prosecution in her deposition before the learned Trial Court.



7. Considering the aforesaid facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional District & Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 57 of 2024, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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