

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3052 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- JANDAHA District- Vaishali

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Punit Sahani S/o Ram Surat Sahani @ Bengai Sahani Village- Rampur
Ramhar, PS- Jandaha, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/o Shrawan Paswan Village- Barbutta, PO- Rampur Ramhar,
PS- Jandaha, District- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Subhash Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

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

ORAL ORDER

4 15-01-2026 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 20.06.2025 passed by learned Exclusive

Special Judge, SC/ST, Vaishali at Hajipur whereby the prayer

for bail of the appellant in connection with Jandaha PS Case No.

107 of 2025 instituted under Sections 127(2), 70(1) & 351(2) of

the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r)(s)(w-ii),

3(2)(v)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 14.03.2025,

when the informant was sleeping, three accused persons,



including the appellant entered her house in midnight. They allegedly pressed her mouth, whereafter, co-accused, namely, Gorkha Paswan caught her back and appellant threatened to outrage her modesty and committed rape. Thereafter, co-accused, Harbesh Kumar and Gorakha Paswan committed rape with 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. It is mainly submitted that as per medical report, it is difficult to say sexual assault taken place or not and no injury was found. Learned counsel next submits that the informant has not disclosed whether the door was bolted or open, and in the absence of any forcible entry, the allegation of rape by force is doubtful. It is next submitted that despite several family members sleeping in the same house, the alleged incident was disclosed belatedly and the FIR was lodged after unexplained delay, casting serious doubt on the prosecution case. 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 20.05.2025 and has 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 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.

6. Considering the aforesaid facts and circumstances of the case and specifically taking into account the nature and gravity of the offence as also the fact that victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS, 2023, 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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