

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.818 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Pinkal Rai @ Pinkal Kumar Yadav S/o Ram Sakal Rai Resident of Village -
Rauna, P.S. Gaighat, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Rambabu Manjhi R/o vill- Rauna Kuchahari, P.S-
Gaighat Dist Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogendra Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Sadanand Paswan. Spl. PP.
For the respondent No.2	:	Mr. Surya Narayan Yadav, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-10-2022 Learned counsel for the appellant is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Yogendra Kumar Singh, learned counsel
appearing on behalf of the appellant, Mr. Surya Narayan Yadav,
learned counsel for respondent and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the
Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,
(hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 24.01.2022, passed by learned
Additional Sessions Judge-III-cum-Special Judge, SC/ST (POA)
Act, Muzaffarpur, in connection with Gaighat P.S. Case No.
387 of 2021, registered for the offences punishable under



Sections 328 and 376/34 of the Indian Penal Code, Sections 3(2) (va) of the SC/ST Act and Section 67 of I.T. Act, whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report filed by the informant alleging therein that on 26.10.2021, at about 06:00 pm, co-accused Soni Devi, w/o Prakash Manjhi and others gave her some drinks and after taking the drinks, she became unconscious and thereafter, she went to her room and slept. It is further alleged that at about 7:00 pm, this appellant entered into the house of the victim and committed rape upon her. The aforesaid commission of rape was also captured in a video footage, which was later on circulated and made viral.

Learned counsel for the appellant submits that from the FIR, it would be evident that no intoxicant has been administered by the appellant, rather the allegation of providing intoxicant has been leveled against other co-accused persons. He further submits that the victim has never been put for medical examination and as such the veracity of her allegation cannot be supported by medical report. He also submits that neither the mobile phone by which the video of the crime has been prepared has been seized nor there is any eyewitness to the



alleged occurrence. He last submits that the appellants is in custody since 30.10.2021 and the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand, leaned counsels appearing on behalf of the State and informant-respondent no.2 have submitted that during the course of investigation, the statement of the independent witnesses have been recorded, who have specifically stated that just after the occurrence, the appellant was found fleeing from the house of the victim and when they went to the house of the victim they found that she was in naked condition and later on the video of the commission of the crime made viral in the village. From perusal of which, it was found that the victim was subjected to rape at the hands of the appellant.

Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation, gravity of the offence, apart from the material available on the record and also statement of the witnesses, this court is not persuaded to enlarge the appellant on bail.

Accordingly the present appeal stands dismissed.

(Harish Kumar, J)

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