

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2583 of 2022**

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA P.S. District- Araria

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Amit Kumar Son Of Raghunandan Bishwash Resident Of Village - Kabaiya,  
Ward No. -01, P.S.- Bausi, District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Talamay Hembram Daughter Of Dugu Hembram Resident Of Village -  
Kothibadi Kabaiya, Ward No. -01, P.S.- Bausi, District - Araria.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Krishna Chandra

For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      06-04-2023                      Heard learned counsel for the appellant and  
  
learned Special P.P for the State.

The appellant has challenged the order dated  
  
05.07.2022 passed by learned Sessions Judge, Araria in  
  
connection with Mahila P.S. Case No. 03 of 2019  
  
instituted for the offences punishable under Section 376  
  
of the Indian Penal Code and Section 3(2)(v) of the  
  
SC/ST (Prevention of Atrocities) Act whereby his prayer  
  
for being released on bail has been rejected.

It is alleged against the appellant that on the  
  
point of knife, he committed rape upon the informant.



It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant and the appellant are neighbour and in the background of some land dispute, the present accusation has been levelled against the appellant. For the alleged occurrence of 10.01.2019, the F.I.R was lodged on 17.01.2019. No sign of sexual assault was found by the doctor during medical examination. The appellant is languishing in custody since 22.05.2022. A statement has been made in para 3 of the petition is that appellant has no criminal antecedent.

Learned Counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant and submitted that there is specific allegation against the appellant that he ravished the informant. The victim in her 164 Cr.P.C statement has specifically alleged against the appellant that he



committed rape upon her on the point of knife.

Considering the fact that there is specific allegation against the appellant, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for grant of bail to the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

**(Sunil Kumar Panwar, J)**

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