

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3265 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- PARAIYA District- Gaya

HEMANTI DEVI W/o Manish Kumar Resident of Village- Tanti, P.S.-
Paraiya, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Seema Devi Sharwan Paswan R/O Village-Tanti, P.S.-Paraiya, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Javed Jafar Khan

For the Respondent no.1 : Mr. Usha Kumari 1

For the Respondent no.2 : Mr. Rajnish Ranjan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

- 3 19-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Respondent no.2/Informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 22.08.2022,
passed by Ld. Exclusive Special Court Judge, SC/ST Act,
Gaya, in connection with Paraiya P.S. Case No. 173 of



2022 , registered for the offence punishable under Sections 376 (D) of the I.P.C. and 3 (2)(v-a) of SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that in the month of December 2021, the accused took the informant to Gaya for shopping and went to the railway station and then took her to Patna. When the informant objected to the same, she said that they would return by evening. Upon reaching Patna, she took her to a house where one Deepak was waiting and he started misbehaving with her. There were three other persons in the room. Upon protest, she was threatened by pistol. Thereafter, the Accused appellant asked the informant to do as she is asked. Deepak ravished her and the Accused appellant was making video of the ravishment. Thereafter, the Accused appellant took her to *Usewa* village and showed her the video she had made regarding the ravishment. She also gave her mobile number to one Sunil Kumar of *Usewa* Village who also ravished her by threatening to make the video viral. The Accused appellant and Sunil Kumar also extorted Rs.



2,00,000/- from the victim/informant by blackmailing to make the video viral. The Accused appellant took her to Gaya where co-accused Sunil and Deepak again ravished her.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is a lady and there is no allegation of rape against her. She has been falsely implicated on account of money.

He further submits that appellant has been languishing in jail since 16.07.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail submitting that though the accused-appellant is a lady, she is instrumental in the



commission of the alleged offence.

Considering the aforesaid facts and circumstances, particularly the active and instrumental role of the accused-appellant, I am not persuaded to enlarge the appellant on bail at this stage. As such, there is no infirmities in the impugned order.

This appeal is accordingly dismissed.

The Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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