

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4118 of 2022**

Arising Out of PS. Case No.-568 Year-2022 Thana- FATEHPUR District- Gaya

RAHUL MANJHI Son of Bhuneshwar Manjhi Resident of Village-  
Kosumhar, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmanand Paswan Son of Late Baleshwar Paswan Resident of Village-  
Chapri, P.S.- Fatehpur, District- Gaya

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Sharda Nand Mishra, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      23-03-2023                      Heard learned counsel for the appellant, learned  
counsel for the informant and learned Special P.P. for the  
State.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for regular bail vide order  
dated 19.10.2022 passed by the learned Exclusive Special  
Judge, SC/ST Gaya in Fatehpur P.S. Case No.568 of 2022,  
registered under Sections 341,323,504,506 of the Indian Penal  
Code and Section 3(i)(r) (s)of the Scheduled Castes and  
Scheduled Tribes (Prevention of Atrocities) Act. Later on



Sections 376 and 349 of the Indian Penal Code was added.

The case of the prosecution in nutshell is that the informant alleged in her written application that on 11.09.2022 at about 04.00 AM the daughter of the informant had gone bathroom outside of her house in the meantime FIR accused came with 5 to 6 unknown persons had assaulted with fists, slaps and from brick due to which she sustained some swelling and pain in mouth and blood started oozing out from mouth.

Learned counsel for the appellant submits that the appellant has clean antecedent. He has falsely been implicated in the present case. Further submits that the present FIR has been instituted after delay of seven days.

Learned counsel for the informant as well as learned Spl.P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the medical examination of the victim was conducted after delay of six days and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the appellant and others have committed rape upon the victim.

Considering the aforesaid fact, I am not inclined to enlarge the appellant on bail.



Prayer is refused.

Accordingly, the impugned order is affirmed and  
this appeal stands dismissed.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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