

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.922 of 2024

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

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Hamanti Devi W/o Manish Kumar R/o Village- Tanti, P.S.- Paraiya, District-
Gaya

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 05-07-2024 Heard Ld. counsel for the Appellant and Ld. Special

Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the Appellant on bail, impugning the order dated 05.01.2024, passed by Ld. Exclusive Special 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 the bail has been rejected.

3. The Appellant has preferred even Cr. Appeal (SJ) No. 3265 of 2022 prior to the present appeal for enlargement on bail. However, the same was dismissed by this Court *vide* order dated 19.01.2023 on the ground of seriousness of the allegation.



4. 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 for money. The Appellant has been languishing in jail since 16.07.2022. He further submits that the trial of this case is not progressive after framing of charge on every accused. Hence, the Trial Court may be directed to conclude the trial as early as possible as per mandate of Article 21 of the Constitution.

5. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the Appellant for bail submitting that heinous crime is alleged to have been committed.

6. Considering the facts and circumstances of the case and in view of the seriousness of the allegation and the materials on record, I am not persuaded to enlarge the Appellant on regular bail.

7. Accordingly, the present appeal stands dismissed.

8. However, Ld. Trial Court is directed to expedite the trial and conclude the trial within a period of one year and in case, the trial is not concluded within the stipulated time, the



Appellant would be at liberty to renew his prayer for bail.

(Jitendra Kumar, J)

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