

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2225 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- MAHILA P.S. District- Nalanda

Pintu Yadav Son of Bishundeo Yadav @ Vishundev Yadav Resident Of
Village - Kali Bigha, P.S.- Giryak, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hansraj, Adv.

For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

10 27-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. No one appears on
behalf of the Informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 23.03.2023 passed by learned 3rd
Additional District & Sessions Judge cum Special Judge
(SC/ST) Act, Nalanda whereby the prayer for bail of the
appellant in connection with Mahila P.S. Case No. 109 of 2022
under Sections 452, 342 and 376 of the I.P.C. and Section 3(i)(r)
(s), 3(2)(va) of the SC/ST Act, was rejected.

3. As per prosecution case, the allegation against the
appellant is of taking away the Informant in the orchard and
committing forcible rape upon her.

4. Learned counsel for the appellant submits that the
appellant is innocent and has falsely been implicated in the



present case due to local village politics. He further submits that the alleged occurrence has taken place in the night of 20.12.2022 at 12:00 hours but, the present F.I.R. has been lodged on next day in the evening at 18.10 hours without there being any plausible explanation for such delay. There is no eye-witness of the alleged occurrence and all the witnesses are close agnates of the Informant who are hearsay witnesses. The statement of the victim girl made under Section 164 Cr.P.C. and the allegation made in the F.I.R. are contradictory to each other. The medical report does not corroborates the allegations made in the F.I.R. as the Doctor has not found any sign of rape or any injury on the private part of the victim girl which falsifies the whole prosecution case. Charge-sheet has been submitted in this case. The appellant is in custody since 02.01.2023 and has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant stating that the appellant is the named accused in the F.I.R. and the allegation made against him is serious in nature. Charge-sheet has also been filed against the appellant under Section 452, 342, 376, 504, 506 of the I.P.C. and Section 3(i)(r) (s), 3(2)(va) of the SC/ST Act.



6. From the report sent by the court below dated 5th of June, 2024, it appears that all the charge-sheeted witnesses including the Doctor and I.O. have been examined but, the Assistant Doctor and Director Incharge of F.S.L., Patna will remain to be examined by the Court. It has also been mentioned that it may take three months to dispose the case.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also taking into account the report dated 05.06.2024 sent by the learned court below, this Court is not inclined to grant bail to the appellant at this stage.

8. Accordingly, the prayer for bail of the appellant, abovenamed, is hereby rejected.

9. If the trial is not concluded within a period of two months months from the date of receipt/production of a copy of this order, the appellant will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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