

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4521 of 2021

Arising Out of PS. Case No.-127 Year-2016 Thana- MAHILA P.S. District- Muzaffarpur

PREM SAH S/o Shanker Sah R/o village- Dharampur, P.S.- Sadar, District- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mani Bhushan Kumar, Advocate
For the State	:	Mr. Syed Ashfaque Ahmad, Spl.P.P.
For the Informant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 10-05-2024 Heard the parties.

2. The present appeal has been filed against the judgment of conviction dated 05.10.2021 and order of sentence dated 05.10.2021 passed in Sessions Trial No. 15 of 2017 arising out of Mahila P.S. Case No. 127 of 2016 and G.R. No. of 2017 by the learned Additional Sessions Judge 7th Muzaffarpur, whereby and whereunder the appellant has been convicted under Section 376 of the Indian Penal Code and accordingly, sentenced to undergo RI for ten years and fine of Rs. 50,000/- has been imposed upon the appellant and in case of default of payment of fine the appellant will have to go additional RI for six months.

3. As per prosecution case, the appellant has



committed rape upon the informant/victim.

4. Learned counsel for the appellant submits that the earlier bail prayer of the present appellant has already been rejected on merit by this Court on 28.02.2023 with an observation that the appellant may renew his prayer for bail after one year, if the appeal is not taken up for hearing. He further submits that the appellant is in custody since more than six months previously and rotting in jail since 05.10.2021. Father and mother of the victim have not been examined. The appellant is innocent and has falsely been implicated in this case.

5. Learned counsel for the informant as well as learned counsel for the State submits that the earlier bail prayer of the present appellant has already been rejected on merit by this Court on 28.02.2023. They further submits that victim herself has supported the case of prosecution and judgment of conviction and order of sentence has been passed by the concerned court is on the due appreciation of evidences.

6. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the appellant has been rejected on merit as well as materials available on record, I am not inclined to grant bail to the



appellant. Hence, prayer for bail of the appellant stands rejected.

7. However, the appellant may renew his prayer for bail after six months, if the appeal is not taken up for hearing.

(Alok Kumar Pandey, J)

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