

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5363 of 2023**

Arising Out of PS. Case No.-140 Year-2013 Thana- ARARIA District- Araria

MANJAR ALAM @ MANJAR S/o Late Md. Qaiyum R/o village-Rampur
Mohanpur, P.S-Araria, District-Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amirka Kumari @ Bauniya D/o Jogindar Rishideo R/o village-Diha
Kamaldaha, P.S-Araria, District-Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar Rana, Advocate
For the Informant	:	None
For the Respondent/s	:	Mr.Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 02-05-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 19.10.2023 passed by learned 1st
Additional Sessions Judge cum Special Judge, Araria whereby
the prayer for bail of the appellant in connection with Special
(SC/ST) Case No. 209 of 2019 arising out of Araria P.S. Case
No. 140 of 2013 under Sections 376D, 120B of the Indian Penal
Code (and later on Sections 3(i)(xii) of SC/ST Act was added)
was rejected.

3. The prosecution case, in short, is that, on the alleged



date and time of occurrence, the accused persons including this petitioner caught hold the informant and one Firoz committed rape with her.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel further submitted that there is no any specific overt act alleged against the appellant, rather the specific allegation of committing rape with the informant is attributed to co-accused Firoz. He further submitted that there is no eye-witness to the alleged occurrence. Learned counsel for the appellant further submitted that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 22.09.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that victim in her statement recorded under Section 164 of the Cr.P.C. has supported the case of the prosecution. He further submitted that medical board has assessed the age of the victim to be 16-17 years. He further submitted that considering the heinous nature of crime and the victim being handicapped, the



appellant does not deserve the privilege of bail.

6. Having considered the submissions canvassed by the parties, statement of the victim recorded under Section 164 of the Cr.P.C. as well as nature and gravity of offence, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the *appeal is dismissed* and direction is given to the learned trial court to expedite the trial and conclude the same within six months from the date of receipt/production of this order. However, liberty is granted to the appellant to renew his prayer for bail if the trial is not concluded within the aforesaid period of six months.

(Rudra Prakash Mishra, J)

Alok Verma/-

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