

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5705 of 2023

Arising Out of PS. Case No.-626 Year-2023 Thana- BODHGAYA District- Gaya

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Zahir Khan @ Dipak Kumar son of Rajendra Yadav village Pacchahatti PS
Bodhgaya District Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR patna high court
2. Sonam Kumari daughter of Suresh Das village Dhangai PS Dhangai District
Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 28-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Despite valid service of notice, nobody entered
appearance on behalf of the respondent no.2.

3. This is an appeal under Section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 24.11.2023 passed
by learned Exclusive Special Judge (SC/ST), Gaya in
connection with Bodhgaya P.S. Case No.626 of 2023, registered
under Sections 376(D), 120B, 34 of the Indian Penal Code and
Section 3(ii), 3(2)(v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in short, is that the appellant along with other co-accused persons committed rape with the respondent no.2.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is no specific overt act against the appellant and appellant has no criminal antecedent. He submits that there is a contradiction between the statement of victim recorded u/s 161 of Cr.PC and 164 of Cr.PC. Appellant has been languishing in custody since 26.07.2023.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the nature of offence, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

8. Accordingly, this appeal is dismissed.

9. However, the appellant would be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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