

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.623 of 2025

Arising Out of PS. Case No.-568 Year-2022 Thana- FATEHPUR District- Gaya

Rahul Manjhi Son of Bhuneshwar Manjhi Resident of Village - Kosumhar,
P.S. - Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmanand Paswan Son of Late Baleshwar Paswan Resident of Village - Chapri, P.S. - Fatehpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-05-2025 Heard Mr. Praveen Kumar, learned counsel for the

appellant as well as Mrs. Usha Kuamri, learned Spl.P.P. for the

State.

2. Learned Spl.P.P. has informed this Court the he
informed the respondent no. 2 through the Senior
Superintendent of Police, Gaya but despite of that no one
appeared on behalf of the respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 28.11.2024
passed by the learned Exclusive Special Judge SC/ST Court,
Gaya in connection with Fatehpur P.S. Case No. 568 of 2022,
F.I.R. dated 11.09.2022 registered under Sections 341, 323, 504



and 506 of the Indian Penal Code and Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes and later on Sections 307 and 376(D) of the Indian Penal Code was added.

4. According to the prosecution case, the appellant and other co-accused persons have assaulted the daughter of informant when she went outside of her house.

5. Earlier the bail petition of the petitioner was rejected vide order dated 23.03.2023 in Cr. App. (SJ) No. 4118 of 2022 by this Court. Learned counsel for the appellant submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that the informant has been examined in the present trial but he has not supported the case of the prosecution and the appellant is in custody since 19.09.2022 and the Trial is not in progress.

6. Vide order dated 14.02.2025, a report was called with regard to stage of the trial. Report of the learned trial Court dated 30.04.2025 reveals that out of ten charge-sheet witnesses, five witnesses have already been examined and the case is pending for the examination of rest prosecution witness.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and



submits that from the perusal of the F.I.R., it appears that there is specific allegation against this petitioner that the petitioner has committed rape upon the victim and apart from that the victim has not been examiend as yet in the trial.

8. Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail in connection with Fatehpur P.S. Case No. 568 of 2022 pending in the court of learned Exclusive Special Judge SC/ST Court, Gaya.

9. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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