

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.647 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- JHANJHARPUR District- Madhubani

Bachche Lal Mandal S/o- Late Maniyar Mandal Resident Of Village-
Mahrail, Ps-Rudrapur, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Anandi Devi W/o- Satyanarayan Sadai R/o- Kanhauli W.No-1, Mushari Tol
Ps- Jhanjharpur, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Jha, Advocate
For the State	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Shailendra Kumar Jha, Advocate

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

ORAL ORDER

5 09-10-2025 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant.

2. The instant appeal has been filed by the appellant
against the order dated 30.10.2024 passed by learned 1st
Additional Session Judge—cum—Special Judge (PoA) Act,
Madhubani whereby the prayer for bail of the appellant in
connection with Jhanjharpur PS Case No. 133 of 2024 instituted
under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and
Sections 3(i)(r), 3(1)(s), 3(i)(w)(ii) & 3(2)(v) of SC/ST Act was
rejected.

3. The prosecution's case is that informant's 25-year-



old mentally retarded and deaf daughter was raped by appellant in a field on August 6, 2024. The informant's nephew, Rohit Kumar, reportedly witnessed and video-recorded the incident, which he disclosed to the mother when the distressed daughter returned home weeping.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant mainly submits that it is highly improbable that the informant's nephew was video recording the incident of rape instead of saving the victim. It is next submitted that even the medical report does not substantiate the allegation levelled against the appellant, wherein doctor has opined that there is no medical evidence of sexual assault. Learned counsel for the appellant further submits 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 has no intention to disgrace the image of the informant in public view. The appellant is in custody since 08.08.2024 and has no 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. It is submitted by referring to the statement of the victim recorded under Section 183 of the BNSS, 2023 that since victim is deaf, she was not in a position to depose before the court below, hence her statement was not recorded. It is pertinently submitted that nephew of the informant has video recorded the incident and the offence is very serious in nature, hence, appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to allow the appeal. Appeal is, accordingly, *dismissed*.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

8. However, appellant will be at liberty to renew his prayer for bail if the trial is not concluded within a period of five months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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