

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1820 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- PHULWARIA District- Begusarai

Mantun Rai @ Mintu Rai Son of Shubansh Rai @ Subansh Rai Village
-Vishar Sthan Mushahri, Police Station -Fulwaria, District -Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Khusi Kumari Daughter of Manoj Paswan Village -Vishar Sthan Mushahri,
Police Station -Fulwaria, District -Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raj Kumar Sinha, Advocate

For the Respondent/s : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

5 24-07-2025 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 09-04-2025 passed by learned Exclusive
Special Judge, SC/ST (PoA) Act, Begusarai whereby the prayer
for bail of the appellant in connection with Phulwaria PS Case
No. 11 of 2025 instituted under Sections 126(2), 115(2), 64(1) &
3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1),
3(1)(द), 3(i)(घ) of SC/ST Act was rejected.

3. On January 24, 2025, around 10:00 AM, while
victim was in a field, Mintu Rai (appellant) and Suresh Mahto



accosted her. She alleged that Suresh Mahto forcibly raped her while Mintu Rai acted as a lookout. After about thirty minutes, she escaped, raised an alarm, and both accused fled.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case as there is no specific allegation against him in the FIR, which primarily attributes the offence to the co-accused. The medical examination of the victim has not revealed any sign of sexual assault. Moreover, there is an unexplained delay of three days in lodging the FIR despite the police station being only 3.5 km away. Hence, the prosecution case appears doubtful and lacks cogent evidence against the appellant. 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 28-01-2025 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 petitioner. Charge sheet is submitted in this case. It is contended that appellant allegedly kept an eye on the people, whereas co-



accused, committed rape hence, appellant does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation, role of the petitioner in the alleged commission of offence as he was present on the spot, this Court is not inclined to allow the appeal at this stage. Appeal is accordingly *dismissed*.

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

(Rudra Prakash Mishra, J)

Raj Kishore/-

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