

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3554 of 2025

Arising Out of PS. Case No.-287 Year-2022 Thana- JANDAHA District- Vaishali

Sanjay Rai @ Sanjay Kumar Son of Ranjeet Rai @ Ranjeet Ray R/o Village -
Mahua, P.S.- Mahua, District - Vaishali At Present Residing at the Village -
Bhan Borha, P.S.- Jandaha, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. XXXXXX

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 04-11-2025

Heard both sides.

2. The present appeal has been filed against the order dated 26.06.2025 passed by learned Special Judge, SC/ST, Vaishali at Hajipur in connection with G.R. No. 29/2023, arising out of Jandaha P.S. Case No. 287/2022, registered under Sections 323, 448, 452, 504, 506, 376(D), 379, 34 of the IPC and 3(ii)(r)(s)(w) of SC/ST (POA) Act and Section 67 of the IT Act whereby and whereunder the concerned court has rejected the discharge petition filed under section 239 of the Cr.P.C. on behalf of the appellant.

3. The name of victim/informant, who is respondent no. 2 in the present appeal, has not been disclosed in the present



judgment to protect her prestige and dignity.

4. The prosecution story, in brief, is that respondent no. 2/informant submitted her written statement before the SHO, Jandaha Police Station, Vaishali stating therein that the informant's husband lives in Rajasthan for livelihood and she lives at home along with her four children. Informant's husband used to send money in informant's account and informant with the help of Sanjay Rai (appellant) used to withdraw the money and regarding the said matter, appellant used to talk with the informant on mobile no. 9199727497. The appellant used to withdraw the money and give it to the informant. It is alleged that appellant took loan of Rs. 1.5 lakh from the informant. It is further alleged that near about two months ago at 10:00 AM, appellant along with his cousin entered into the house of the informant and raped the informant forcefully. Appellant made a video and kept blackmailing the informant regularly and when she protested, the appellant and other assaulted and abused the informant by calling her caste name. It is further alleged that appellant sent the alleged video to co-accused Lalu Rai to make the video viral. It is alleged that accused persons also took informant's atm card, Aadhar Card, Ration Card.

5. On the basis of written statement of informant,



Jandaha P.S. Case No. 287/2022 has been registered for the offences punishable under Sections 323/448/452/504/506/376(D)/379/34 of the Indian Penal Code, Section 3(ii)(R)(S)(W) of SC/ST (POA) Act and Section 67 of IT Act. The Police, after completion of investigation, has submitted charge-sheet under Sections 323/448/452/504/506/376(D)/420/406/34 of the I.P.C., Section 67/67(A) of IT & Section 3(ii) (r) (s) (w) /3 (2) / (v)/ 3(2)/(va) SC/ST (POA) Act against the appellant.

6. Learned counsel for the appellant submits that there is a delay of two months in lodging of the F.I.R. which creates doubt about authenticity of the prosecution story. Learned counsel for the appellant has taken plea of alibi that appellant is an employee in NSEIT Ltd. which is registered through SBI and he was on duty during that period at Dakara in Ranchi which is subject to the investigation as the appellant has given several representations to the concerned authority for verifying the attendance list, as mentioned in para 13 of the memo of appeal. Allegations are general and omnibus in nature. He further submits that the appellant is quite innocent and he has committed no offence as alleged in the F.I.R and he has falsely been implicated in the present case. In light of aforesaid



facts and circumstances of the case, no offence is made out against the appellant, particularly, so far as SC/ST Act is concerned. He further submits that the learned trial court without application of judicial mind has rejected the discharge petition in a mechanical manner and, hence, order dated 26.06.2025 is fit to be set aside.

7. Learned counsel for the State has submitted that the appellant is F.I.R. named accused and there is specific allegation against the appellant who is said to have committed rape upon the victim/informant and the manner in which occurrence has taken place has widely narrated by the informant in the initial version of the prosecution story. The I.O. of the case has made investigation on all points and after completion of investigation, submitted charge-sheet under Sections 323/448/452/504/506/376(D)/420/406/34 of the I.P.C., Section 67/67(A) of IT & Section 3(ii) (r) (s) (w) /3 (2) / (v)/ 3(2)/(va) SC/ST (POA) Act against the appellant. Thereafter, the concerned court has taken cognizance under Sections 323/448/452/504/506/376(D)/420/406/34 of IPC; Section 67/67(A) of IT Act & Sec. 3(ii) (r) (s) (w) /3 (2) / (v) / 3 (2)/(va) of the SC/ST (POA) Act against the appellant and co-accused Lalu Rai. He further submits that the learned trial court



has applied its judicial mind and after going through all the material available on record, the court has passed reasoned order and hence, no interference is needed.

8. After hearing the parties concerned as well as material available on record, it is crystal clear that the accusation has been made by the informant that the appellant is said to have committed rape upon the informant and he abused informant by calling her caste name. The investigating officer, after completion of investigation on all points, submitted charge-sheet under Sections 323/448/452/504/506/376(D)/420/406/34 of the I.P.C., Section 67/67(A) of IT & Section 3(ii) (r) (s) (w) /3 (2) / (v)/ 3(2)/(va) SC/ST (POA) Act against the appellant and the court has also taken cognizance under the said sections.

9. From the perusal of order dated 26.06.2025, it is evident that the trial court has recorded the finding that all the grounds which are raised by the counsel for appellant are to be considered in the trial or not at the stage of discharge petition and plea of *alibi* is the ground to be considered as defence evidence and the court has recorded the finding that there is no merit in the discharge petition and same is hereby rejected.

10. After going through all the materials available



on record, it is clear that while dismissing the discharge petition it is not required whether the case culminates into the conviction of a particular accused or not and only prima facie material is taken into account. In the present case, the court while rejecting the discharge petition has recorded the finding which is justified and legal and I find no reason to differ from the findings recorded by the concerned court.

11. Accordingly, the present appeal is dismissed at the stage of admission itself.

(Alok Kumar Pandey, J)

Ranjeet/-

AFR/NAFR	AFR
CAV DATE	N/A
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