

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3901 of 2025

In
CRIMINAL MISCELLANEOUS No.47810 of 2025

Arising Out of PS. Case No.-238 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Rakesh Kumar S/O Krishna Mohan Prasad @ Krishnmohan Prasad @ Krisna
Mohan Lal R/o Mohalla- Bhagwanpur Chakshekhu, PS- Dalsinghsarai,
District- Samastipur, Bihar, India

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmi Kumari D/o Lakshman Sada R/o Mohalla- Bhagwanpur
Chakshekhu, Ward No. 2, PS- Dalsinghsarai, District- Samastipur, Bihar,
India

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lakshmindra Kumar Yadav, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Girish Chandra Jha, Advocate

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

ORAL ORDER

7 12-02-2026 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State and learned counsel for the
informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 07.05.2025 passed by learned Exclusive
Special Judge (Rape and POCSO) Act, Samastipur whereby the
prayer for bail of the appellant in connection with Dalsinghsarai
PS Case No. 238 of 2024 instituted under Sections 64(1),
115(1), 126(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Sections 3(i)(r), 3(i)(s), 3(i)(w)(i), 3(i)(w)(ii) & 3(2)



(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant allegedly committed rape with the victim.

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. It is submitted that prosecution story is false, concocted, absurd and improbable. 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 25.10.2024 and has six criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. Learned counsel for the informant submits that there is direct allegation of rape against the appellant. It is next submitted by informant's counsel that trial in this case is going on and six (6) out of ten (10) prosecution witnesses have been examined. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X.**



vs. State of Rajasthan & Anr.), wherein in paragraph No.14,
Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence as also the fact that trial has commenced, 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 preferably within a period of three months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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