

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3508 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. MINA DEVI W/o Harendra Rai Resident of Village - Mathiya Vrit, P.S. Chhauradano, Dist. - East Champaran.
 2. Manju Devi W/O Ramvinay Rai Resident of Village - Mathiya Vrit, P.S. Chhauradano, Dist. - East Champaran.
 3. Lalita Devi W/O Nagendra Rai Resident of Village - Mathiya Vrit, P.S. Chhauradano, Dist. - East Champaran.
 4. Uma Devi W/O Virendra Rai Resident of Village - Mathiya Vrit, P.S. Chhauradano, Dist. - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sangeet Deokuliar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellants is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

The appellants have challenged the order dated 15.02.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari in connection with Chhauradano P.S. case No.21 of 2021/Special case No.22/2021 registered for the offences under Sections 323,



341, 354, 354(b), 376, 511/34 of the Indian Penal Code and Sections 3(i)(d)(p)(r)(s)(w)(i)(ii) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the accused persons abused the informant by taking her caste name and also assaulted her, torn her clothes and outraged her modesty. When her husband, daughter and niece came for her rescue, then co-accused Chandar Sah tried to rape her daughter and co-accused Ajay Rai and Harendra Rai tried to rape her niece.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. Appellants are ladies. Due to previous enmity the appellants have been made accused in this case. The occurrence is said to have taken place on 02.08.2020 and the complaint case was filed on 19.09.2020. Delay has not been explained by the prosecution. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.



On behalf of the State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 15.02.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari vide A.B.P. No.577 of 2021 in connection with Chhauradano P.S. case No.21 of 2021/Special case No.22/2021, is set aside.

Let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), East Champaran, Motihari in connection with Chhauradano P.S. case No.21 of 2021/Special case No.22/2021.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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