

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3137 of 2021**

Arising Out of PS. Case No.-80 Year-2021 Thana- HARSIDHI District- East Champaran

Vijayanti Devi W/O Narendra Singh R/O Village- Bairiya Dih, Ward No.06,
P.S.- Harsiddhi, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Savita Devi wife of Laddu Hazra R/O- Bairiyadeh, Ghoghraha Tola, P.S.-
Harsidhi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

From perusal of the office notes, it appears that though
notice has been validly served upon the respondent no. 2 but
nobody appears on her behalf.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 10.06.2021, passed by
learned Additional Sessions Judge 1st -cum-Special Judge
(SC/ST Act), Motihari, East Champaran in connection with
Harsiddhi P.S. Case No. 80 of 2021, registered under Sections
366, 368, 120B/34 of the IPC and Sections 3(i) (r) (S) of SC/ST



Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant. He submits that the victim in her statement recorded under Section 164 Cr.P.C. has not supported the prosecution case. He submits that the victim girl being major, left her house out of her sweet will on account of love affairs with co-accused Amit Kumar and after her return she has stated regarding her marriage with co-accused. She has desired to live with her husband. He submits that the doctor has found her age to be 18-19 years. He submits that the appellant is the neighbour of the victim girl. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum-Special Judge, East Champaran at Motihari in connection with Harsiddhi P.S. Case



No. 80 of 2021, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the
appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

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