

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1635 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- SAHPUR District- Patna

Sony Devi Wife Of Umakant Prasad @ Umakant Mahto Resident Of Village-
Piska Nagari, Ps- Nagari, Distt- Ranchi, Jharkhand

... .. Appellant/s

Versus

1. The State of Bihar
2. Nutan Surin Wife Of William Agicha Resident Of Village- Orga, Ps-
Jaldega, Distt- Simdega (Jharkhand)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 22.02.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Shahpur P.S. Case no. 282 of 2021 under Sections 376, 354A, 504 and 34 of the Indian Penal Code and sections 3(i)(r)(s), 3(1)(w)(i) and 3(2)(v) of the SC/ST Act was rejected.

Prosecution case relates to commission of rape with the informant(victim) by the co-accused person, namely, Shamsheer Ansari. Allegation against this appellant is that she



scolded the informant as she along with the informant lived in the same room.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to malice and grudge. She has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against her. It is further submitted that no any allegation has been made against the appellant in respect of assistance and conspiracy with the co-accused in commission of rape with the informant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, she is languishing in judicial custody since 04.08.2021.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that the appellant is a lady and her period of custody, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.02.2023 passed in Spl. Case No. 213 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Shahpur P.S. Case No. 282 of 2021 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Exclusive Special Court, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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