

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4305 of 2023

Arising Out of PS. Case No.-508 Year-2022 Thana- BARH District- Patna

Sunita Devi, aged about 40 years (F), Wife of Ravindra Yadav @ Ravindra Prasad, Resident of Village - Soima, P.S. - Barh, District - Patna

... .. Appellant

Versus

1. The State of Bihar.
2. Rajesh Ravidas, Son of Nageshwar Ravidas, Resident of Village - Soima, P.S. - Barh, District - Patna.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Premchandra Yadav, Advocate
For the Informant	:	Mr. Sabal Kumar Jha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-12-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail of the appellant vide order dated 23.08.2023, passed by the learned Exclusive Special Judge SC/ST Act, Patna, in connection with Barh P.S. Case No. 508 of 2022 registered under Sections 376, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that when the informant's sister was returning after attending call of nature, the son of the petitioner, namely, Suraj Yadav, stopped her and forcibly committed rape with her. When the informant went to the house of the petitioner to told about the incident, the petitioner and her husband abused him with caste name and also threatened him.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and she has no concern with the aforesaid occurrence. She has been falsely implicated in the case due to ulterior motive. It is further submitted that the petitioner has been made accused in this case because she is the mother of the co-accused Suraj Yadav. The matter has already been compromised between the parties and a petition to that effect has been filed before the learned court below, annexed as Annexure-2 to the present appeal. It is submitted by learned counsel for the petitioner that no member of public was present at the relevant point of time of the incident. There is no allegation of hurling of caste related abuse at the informant by the



petitioner. Hence, no offence under SC/ST Act is made out against the appellant. It is further submitted that from perusal of the medical examination report of the victim, it appears that the doctor has found that sexual assault cannot be ascertained because no sign of recent sexual intercourse. The appellant is a lady. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the appellant.

6. Accordingly, the impugned order dated 23.08.2023, passed by learned Exclusive Special Judge, SC/ST, Patna, in A.B.P. No. 7477 of 2023 in connection with Barh P.S. Case No. 508 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Let the above named appellant, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Judge, SC/ST Act, Patna, in connection with Barh
P.S. Case No. 508 of 2022, subject to the condition as laid
down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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