

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.838 of 2024**

Arising Out of PS. Case No.-54 Year-2023 Thana- MAHILA PS District- Aurangabad

Reena Devi @ Rina Devi Wife of Ajay Singh @ Ajai Singh R/o Mohalla-
Satyendra Nagar, Mahakal Chowk, P.S.- Aurangabad Town, Dist.-
Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Suga Devi @ Rani Wife of Sudarshan Paswan R/o Village- Karhara, Charan,
P.S.- Mali, District- Aurangabad (Bihar), at present residing at mohalla-
Mahakal Chowk, P.S.- Aurangabad Town, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aman Vishal, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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

ORAL ORDER

4 24-06-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.12.2023 passed by the Exclusive Special Judge, SC/ST, Aurangabad, whereby the prayer for bail of the appellant in connection with Aurangabad Mahila P.S. Case No. 54 of 2023, under Sections 342, 376, 504, 506 of the Indian Penal Code, Sections 3(i)(r)(s), 3(w)(i)(ii) and 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the informant went to the market with the appellant in a car driven by co-



accused Sajjan Singh who was acquainted with the appellant. While returning, the appellant got down from the said vehicle and let co-accused Sajjan Singh drop the informant. Further, co-accused took her to different place and committed rape of informant and thereafter abused her in caste name.

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. There is delay of 12 days in lodging the F.I.R. The appellant is a lady and has not abused, assaulted or threatened the informant and has not taken the caste name of the informant. Hence, no offence under the provisions of SC/ST Act is made out against her. The appellant has no intention to disgrace the image of the informant in public view. Learned counsel for the appellant further submits that there is no specific allegation regarding abuse and assault in caste name has been alleged against the appellant. The specific allegation has been levelled against the co-accused Sajjan Singh. The appellant is in custody since 18.10.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 22.12.2023 passed by the Exclusive Special Judge, SC/ST, Aurangabad, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aurangabad Mahila P.S. Case No. 54 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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