

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2616 of 2024**

Arising Out of PS. Case No.-128 Year-2023 Thana- NAUHATTA District- Saharsa

1. Mamta Devi Wife Of Sanjay Sah Village- Ramji Tola, Bhelahi, Ps- Nauhatta (Darhar Op) Dist- Saharsa
2. Sita Devi Wife Of Shrawan Sah Village- Ramji Tola, Bhelahi, Ps- Nauhatta (Darhar Op) Dist- Saharsa
3. Puja Devi @ Pooja Devi Wife Of Ranjan Sah Village- Ramji Tola, Bhelahi, Ps- Nauhatta (Darhar Op) Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Chhotki Devi Wife Of Thakko Sada Village- Ramji Tola, Bhelahi, Ps- Nauhatta (Darhar Op) Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amarnath Jha, Adv.
For the respondent	:	Mr. Binod Kumar Sinha, Adv.
		Mr. Ashok Kumar, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 05-09-2024 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 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 against the rejection of prayer of bail of the appellants vide order dated 21.03.2024 passed by the learned Additional Sessions Judge-1 -cum-Special Judge, SC/ST (PoA) Act, Saharsa in connection with Nauhatta (Darhar O.P.) P.S. Case No. 128 of 2023 corresponding to Special (SC/ST) Case No. 97 of 2023 dated 14.06.2023 registered for the alleged



offences punishable under Sections 341, 323, 354, 307, 376, 504, 506, 34 and 120B of the Indian Penal Code and Sections 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant had gone in the field of the co-accused, Ranjan Sah one year back who forcibly committed rape on her. The panchayati was held and the co-accused, Ranjan Sah and his brothers had assured to give her 10 kathas of land and to keep her as wife but he did not marry her. When the informant pressurized the co-accused Ranjan Sah for marriage, she was assaulted by the accused persons. In the night of Deepawali, she was confined in a room by the accused persons. They did not give her meal for two or three days. The accused persons assaulted her. The co-accused, Ranjan Sah and his brothers established illicit relationship with her for a year. On 13.06.2023, the co-accused Sharwan Sah and Ranajan Sah inserted cloth inside her mouth. The co-accused, Sanjay Sah, Kanchan Sah, Mithun Sah and the appellants, Sita Devi, Mamta Devi tied her with sari. The co-accused, Ranajan Sah and Sharwan Sah started pouring petrol with intent to kill her. The accused persons took her to the bank of river, in the meantime, the Chowkidar raised alarm then the accused persons



fled away.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case due to land dispute. There is no specific allegation against the appellants and the appellant nos. 1 and 2 are the wives of the brothers of the co-accused, Ranjan Sah and the appellant no. 3 is the legally wedded wife of the co-accused, Ranjan Sah. There is no allegation of abusing against the appellants hence, no offence under provisions of SC/ST Act is made out against the appellants. It is further submitted that there is general and omnibus allegation against the appellants. The informant was medically examined and she is aged between 30 to 35 years and no mark of injury was seen. The co-accused person has already been granted regular bail by this court vide order dated 08.08.2024 passed in Cr. Misc. No. 2740 of 2024. The appellant nos. 1 and 2 are in custody since 22.07.2023 whereas the appellant no. 3 is in custody since 21.07.2023. The appellant nos. 1 and 2 have one criminal antecedent whereas the appellant no. 3 has no criminal antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that the appellants are ladies.

5. Learned Special Public Prosecutor for the State and



learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 21.03.2024 passed by the learned Additional Sessions Judge-1 -cum-Special Judge, SC/ST (PoA) Act, Saharsa in connection with Nauhatta (Darhar O.P.) P.S. Case No. 128 of 2023 corresponding to Special (SC/ST) Case No. 97 of 2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1 -cum-Special Judge, SC/ST (PoA) Act, Saharsa in connection with Nauhatta (Darhar O.P.) P.S. Case No. 128 of 2023 corresponding to Special (SC/ST) Case No. 97 of 2023.

(Chandra Prakash Singh, J)

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