

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4226 of 2023

Arising Out of PS. Case No.-510 Year-2023 Thana- SIKARPUR District- West Champaran

PRIYANKA DEVI W/o Sri Radheshyam Chaudhary R/o vill - Sukhwari Malkauli, P.S. - Bagaha (Pathkhauli), Distt. - West Champaran, at present village Dhankutwa, P.s. - Shikarpur, Distt. - West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawati Devi W/o Sri Dablu Paswan R/o vill - Dhankutwa, P.S. - Shikarpur, Distt. - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma
		Mr. Hemant Ray
For the Respondent	:	Mr. Sachida Nand Rai
For the State	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 04-12-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 19.08.2023, passed by learned Additional Sessions Judge I -cum- Special Judge, SC/ST Act, West Champaran at Bettiah, in ABP No. 2086 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Shikarpur Police Station Case No. 510 of 2023 registered for the offence punishable under Sections



376/120-B of the Indian Penal Code and Sections and Section 3 (1)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the appellant and his younger brother, co-accused Vikash Choudhary, developed friendship with the informant, while her husband was away earning livelihood. On one day by serving intoxicated sweets, the co-accused Vikash established physical relationship with the informant and even got a video of the occurrence recorded with the help of the appellant and threatened to make it viral. When the husband of the informant came she narrated the incident to him, upon which, her husband and others went to the house of the accused to confront them. Whereupon, the accused persons hurled caste based abuse and also assaulted them.
4. Learned counsel for the appellant submits that the appellant is a lady and has not committed any offence in the manner alleged. He next submits that the appellant has falsely been implicated in the present case merely because she happens to be the sister of co-accused Vikash



Choudhary. He further submits that specific allegation of rape, abuse by caste name and assault is against co-accused Vikash Choudhary, who has already been granted regular bail by this Court vide Cr. Appeal (SJ) No. 5643 of 2023.

5. On the other hand, learned counsel for the respondent no. 2 and the State opposes the prayer of anticipatory bail of the appellant.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact the appellant is lady and specific allegation is against co-accused Vikas Choudhary, who has been granted regular bail by this Court, I am inclined to grant the appellant privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 19.08.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, West Champaran at Bettiah, in ABP No. 2086 of 2023, is set aside.
8. Let the appellant, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Shikarpur Police Station Case No. 510 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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