

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1135 of 2025

Arising Out of PS. Case No.-141 Year-2019 Thana- SURYAGARHA District- Lakhisarai

Gita Devi @ Ginni Devi @ Gitri Devi W/O Sanjay Mandal, D/O- Baunu
Mandal R/O Vill-Manikpur, P.S- Surajgarha(Manikpur), Dist-Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi W/O Ashok Paswan R/O Village- Manikpur, P.S- Surajgarha
(Manikpur), Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

4 14-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor representing the State.

2. Learned counsel for the first informant / respondent
no.2 is not present whereas his name is shown in cause list.

3. This Criminal appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2015 has been preferred by the appellant against
the order dated 12.02.2025 passed by learned District and
Additional Sessions Judge-1st cum Special Judge SC/ST,
Lakhisarai in ABP No. 1346/2024, in connection with
Surajgarha (Manikpur) P.S. case no. 141 of 2019, registered for
the offences punishable under Sections 363/366(A)/504/34 of



the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(Va) of the SC/ST Act whereby the prayer for Anticipatory bail of the appellant has been rejected.

4. Brief facts of the case which are required to be stated are that the informant Kabita Devi who is mother of the victim got a First Information Report lodged against Rahul Kumar, Sanjay Mandal and the present appellant Gita Devi @ Ginni Devi @ Gitri Devi making allegation *inter alia* that her daughter aged about 14 years was enticed away by the accused persons and they also abused by her caste name.

5. It is argued by learned counsel for the appellant that appellant has been falsely implicated in this case because she happens to be mother of co-accused Rahul with whom victim solemnized marriage. Referring to the statement of the victim recorded under Section 164 Cr. P.C., much emphasis has been given by contending that victim in her statement did not support the prosecution case, therefore, the appellant is entitled to be released on anticipatory bail. It is further submitted that the impugned order passed by learned Court below rejecting the anticipatory bail application of the appellant is not sustainable. Appellant has no criminal history to her credit. Pursuant to F.I.R. of this case, the appellant has apprehension of imminent



arrest. Lastly, it is submitted that in case the appellant is granted anticipatory bail, she would not misuse the liberty and cooperate with the trial of this case.

6. Learned Special Public Prosecutor representing the State opposed the prayer for granting anticipatory bail to the appellant in the light of the allegations made in the F.I.R. He also submits that as on date there is no material on record to presume the false implication of the appellant. Considering the prosecution case, cognizable offence is made out against the appellant.

7. So far as provisions of Section 18 of the scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 relating to maintainability of this appeal is concerned, it is relevant to mention that in the light of judgment of the Hon'ble Supreme Court in the case of **Prathvi Raj Chauhan Versus Union of India and Others (2020) 4 SCC 727**, aforesaid Section 18 of the scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act does not create absolute bar and if *prima facie* offence under the scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is not made out, the anticipatory bail can be granted to the accused, hence this appeal under Section under Section 14-A(2) of the scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is held to be maintainable.

8. Having heard the learned counsel and perusing the record, I find that it is not in dispute that the victim has solemnized marriage on her own sweet-will with Rahul who is son of the appellant. During the investigation, age of the victim was found to be 18 years and as such, she was competent enough to understand the significance and morality of the act for which she was consenting with son of the appellant. The case of the appellant being mother of co-accused Rahul is distinguishable from the case of Rahul. As on date, there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the appellant.

9. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the appellant, taking into consideration the gravity of offence, nature of accusation and there being no possibility of her fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, *prima facie* the



appellant has made out a case for grant of anticipatory bail, hence the impugned order is liable to be set-aside and the appeal is liable to be allowed.

10. In view of the above, the impugned order dated 12.02.2025 passed by learned District and Additional Sessions Judge-1st cum Special Judge SC/ST, Lakhisarai in ABP No. 1346/2024 rejecting the anticipatory bail application of the appellant is hereby set-aside.

11. Accordingly, it is directed that in the event of arrest or surrender of the appellant above-named within three weeks from today in the aforesaid case, she shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure / 482 (2) of the BNSS.

12. With the aforesaid observations and directions, this Criminal appeal stands allowed.

(Sanjay Kumar Singh , J)

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