

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2904 of 2024**

Arising Out of PS. Case No.-156 Year-2023 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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Ritu Mahto @ Ritu Devi @ Ritu Raj W/O- Alok Mahto @ Alok Kumar
Village- Gokul Mathura, P.S.- Ishipur, Barahat, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmi Devi D/O- Mahendra Urav Village- Phooljarri, P.S.- Barahat,
Distt.- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ved Prakash Chandan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor
For the R. No. 2	:	Mr. Raushan Kumar, Advocate
		Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 15-05-2025 Heard learned counsel for the appellant, respondent
No. 2 and learned Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated 11.03.2024 passed by learned Additional District and Sessions Judge II cum Special Judge SC/ST Act, Bhagalpur in connection with ABP No. 46 of 2024 arising out of Ishipur Barahat P.S. Case No. 156 of 2023, registered under Sections 341, 323, 376, 379, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



3. As per prosecution case, co-accused Amit Kumar established physical relationship with informant for one year on pretext of marriage. Thereafter, all the F.I.R. named accused persons including this appellant solemnized marriage of informant with co-accused Amit Kumar and thereafter, it is alleged that on 02.12.2023, while informant visited her matrimonial house, all the accused persons abused her by caste name and assaulted her by means of *gadasa*. This appellant is alleged to have snatched chain, earrings and mobile phone of the informant.

4. Learned counsel for the appellant submits that appellant is innocent and have committed no offence. Specific allegation of commission of rape is against co-accused Amit Kumar and appellant has been made accused merely because she is mother of co-accused Amit Kumar. Rest of the allegations are ornamental only to make the case grave. There is no allegation that this appellant abused informant by caste name, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.



6. Considering the nature of accusation and clean antecedent, let the appellant, as named above, in the event of her arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge II cum Special Judge SC/ST Act, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 156 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 11.03.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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