

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4453 of 2024

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

Ranjan Sah S/o Dukha Sah R/o Ramji Tola Bhelahi, P.S.- Nauhatta, District- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotaki Devi D/o Late Pulkit Sada. W/o Thako Sada R/o Ramji Tola Bhelahi, Ward No.1, P.S.- Nauhatta, Darhar, District- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhirendra Singh, Adv.
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 03-04-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor 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 District 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, and 120B read with section



34 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 filed of the appellant one year back who forcibly committed rape on her. The panchayati was held and the appellant 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 appellant for marriage, she was assaulted by the accused persons. In the night of Deepawali, she was confined in a room by the appellant and the co-accused persons. They did not give meal for two or three days. The accused persons assaulted her. The appellant and his brothers established illicit relation with her for a year. On 13.06.2023, the appellant kept cloth inside her mouth. The co-accused, Sita Devi and Mamta Devi tied her hand and feet with sari. The appellant and the co-accused, Sharwan Sah started pouring petrol with intent to kill her. The accused persons began to take her to the bank of river, in the meantime, the Chowkidar raised alarm then the accused persons fled away.

4. Learned counsel for the appellant submits that the



appellant is innocent and has falsely been implicated in this case due to land dispute. The charge-sheet has been submitted against the appellant. There is no allegation of abusing against the appellant hence, no offence under provisions of SC/ST Act is made out against the appellant. The informant was medically examined and her aged about 30 to 35 years and no mark of injury was seen. The appellant has no concern with the alleged offence. The appellant is in custody since 15.06.2023. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The co-accused has been granted bail by a Bench of this Court vide order dated 08.08.2024 passed in Cr. APP(SJ) No. 2740 of 2024.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail of the appellant and submitted that the specific allegation of committing rape is against the appellant.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of the allegation against the appellant, I am not inclined to set aside the impugned order dated 21.03.2024 passed by the learned Additional District 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 and accordingly, the prayer for bail of the appellant is rejected.

7. The learned trial court is directed to conclude the trial of the appellant at the earliest.

(Chandra Prakash Singh, J)

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