

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5121 of 2024**

Arising Out of PS. Case No.-346 Year-2022 Thana- ROSHANGANJ District- Gaya

Meena Devi W/o- Uttam Rikiyashan @ Jugal Rikiyashan Resident of At and
PO- Azmgarh Tola Gangata PS-Roushanganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/o- Shri Rikiyasan Resident of At and PO- Azmgarh Tola
Gangata PS-Roushanganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sitaram Prasad, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-02-2025 Heard Mr. Sitaram Prasad, learned counsel for the
appellant and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 24.09.2024 passed by the learned Special Judge, SC/ST,
Gaya in Roshanganj P.S. Case No.346 of 2022, F.I.R. dated
26.12.2022 registered under Sections 341, 323, 376, 504, 506 &
120(B) of the Indian Penal Code and Section 3(i)(r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



3. According to FIR, the appellant along with other co-accused took away the informant forcibly catching her hand and co-accused who were armed with weapons gagged the victim's (informant) mouth with *gamchha* and tried to commit rape with the informant. When she opposed, they starting beating her and tearing her clothes and abused her by her caste name.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. Although, the appellant is named in the FIR, but from the perusal of the FIR, it appears that there is no accusation against the appellant. Similarly situated co-accused person, namely, Ashok Prasad @ Latlu Prasad has been granted regular bail by this Court vide order dated 15.09.2023 passed in Cr. App.(SJ) No. 2939 of 2023 and co-accused person, namely, Guddu Kumar @ Guddu Paswan has been granted regular bail by a Co-ordinate Bench of the Court vide order dated 14.12.2023 passed in Cr. App. (SJ) No. 2440 of 2023. And apart from that the statement of the victim was recorded under Section 164 Cr.P.C./ Section 183 of the BNSS, 2023, in which, on the one hand, she



has supported the prosecution case and on the other hand, she has fairly submitted that accused persons have not committed rape upon her. The appellant is in custody since 18.06.2024.

5. Learned Spl.P.P. for the State has informed this Court that pursuant to direction of this Court dated 10.01.2025, he has informed the respondent no. 2 about the present case.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant.

7. Considering the aforesaid facts and circumstances of the case and the fact that the appellant having clean antecedent as well as the fact that the victim, in her statement under Section 164 Cr.P.C/ Section 183 of the BNSS, 2023, stated that the appellant has not committed any wrong with her and also the fact that the appellant is a lady, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Roshanganj P.S. Case No.346/2022, with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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