

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5417 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- MAHILA P.S. District- Samastipur

Sanjay Thakur Son of Lalan Thakur R/O-Village- Godah (Paridah), PS-
Bithan, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lekha Devi Wife of Ganshyam Paswan R/O-Village- Godah, PS- Hasanpur,
Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rohit Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 17-04-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 07.10.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Mahila P.S. Case No. 09/2023 dated 02.02.2023 registered for the offence/s punishable u/s 341, 323, 376, 504, 506 of the Indian Penal Code and Sections 3(2) (v) of the SC/ST Act.

3. As per the prosecution case, the co-accused person,



Niranjan Yadav is alleged to have committed rape on the informant forcibly. Thereafter, the informant came to her house, then the informant's devar along with persons from neighbourhood went to inquire at the house of the accused persons where the petitioner and the co-accused persons abused and assaulted the informant and her *devar* by calling caste names.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The petitioner is not named in the F.I.R. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The victim in her statement recorded u/s 164 of the Cr.P.C. has not stated that name of the petitioner. Learned counsel has submitted that the occurrence took place on 19.01.2023 and the victim was medically examined on 07.02.2023 so there is no sign of sexual assault found on the body of the victim. The victim is a major girl aged about 18 years. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 30.09.2024.



5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail. As per para. 39 of the case diary, during investigation it was found that the petitioner was driving the tractor on the alleged night of occurrence.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 07.10.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with Mahila P.S. Case No. 09/2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Samastipur in connection with Mahila P.S. Case No. 09/2023.

(Chandra Prakash Singh, J)

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