IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.530 of 2026

CNR No. BRHC010125432026

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

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Ranjan Sah S/o Dukha Sah @ Dukhkha Sah R/o vill - Ramji Tola Bhelahi, P.S.- Nauhatta (Darhar OP), at present P.s.- Darhar, Distt.- Saharsa

... ... Appellant/s

Versus

1. The State of Bihar
2. Chhotaki Devi D/o Late Pulkit Sada, W/o Thako Sada R/o vill - Ramji Tola, Bhelahi ward no. 1, P.S- Darhar, Distt.- Saharsa

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Amarnath Jha, Advocate
For the Respondent/s : Mr. Sanjay Kumar Pandey,, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

9 29-10-2026 Heard learned counsel for the appellant and learned Spl. P.P. 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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for bail vide order dated 17.01.2026 passed by the learned Additional Sessions Judge-1st, Sharsa -cum-Special Judge S.C./S.T. (POA) Act, Saharsa in connection with Nauhatta (Darhar OP) P.S. Case No. 128 of 2023 registered for the offences punishable under Sections 341, 323, 354, 307, 376, 504, 506, 34 and 120 (B) of the Indian Penal Code as well as Sections 3 (I) (r) (s) (w) of the SC/ST Act.

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3. The case of the respondent/informant, in short, is that about one year prior to the occurrence, when the informant had gone in the field of appellant, he had forcibly committed rape upon her. Thereafter, a '*panchayati*' was held wherein the appellant and his brother assured her that they would give her ten '*khatas*' of land and keep her as his wife. However, the appellant did not marry her. When the respondent/informant pressurized the appellant to marry her, she was assaulted by the appellant and others. On the night of *Deepawali*, the appellant and co-accused persons confined her in a room and did not provide her with food for two to three days. She was also subjected to assault. It is further alleged that the appellant and his brother established illicit relations with her for about one year. On 03.06.2023, she was again assaulted and taken to the bank of river.

4. Learned counsel for the appellant submits that earlier prayer for bail of the appellant was rejected vide order dated 03.04.2025 passed in Criminal Appeal (SJ) No. 4453 of 2024. It is further submitted that the appellant has been falsely implicated in the instant case. It is further submitted that the appellant is in custody since 15.06.2023.

5. A report from the learned trial Court was also called

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regarding the stage of trial and from perusal of the report, it is clear that out of ten witnesses one witness, namely Chotki Devi (Informant) has been examined.

6. A supplementary affidavit has also filed on behalf of the appellant with the deposition of the informant.

7. Learned counsel for the appellant submits that from a bare perusal of the FIR itself, it would appear that the alleged occurrence took place about one year prior to the lodging of the cases; however, the respondent/informant has not lodged the case earlier and no satisfactory explanation has been offered for the delay. It is further submitted that although the informant supported the case of the prosecution in her examination-in-chief, she stated in her cross-examination that she had instituted the present case only to pressurize the appellant into solemnizing marriage with her. It is also submitted that from perusal of the deposition of the informant, it will transpire that she is a married women having two sons, out of whom, one is also married.

8. Learned counsel submits that these circumstances indicate that the relationship, if any, between the parties was consensual and that the present case has been filed with a view to pressurizing the appellant to marry the informant. It is further

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submitted that the appellant and the informant are already married.

9. Learned Spl. P.P. for the State opposes the appeal.

10. In view of the submissions made by the learned counsel for the appellant, the order dated 17.01.2026 passed by the learned Additional Sessions Judge 1st, Saharsa -cum- Special Judge S.C./S.T. (POA) Act, Saharsa in connection with Nauhatta (Darhar OP) P.S. Case No. 128 of 2023 is hereby set aside and the appellant above-named, is directed to be released on bail in connection with Nauhatta (Darhar OP) P.S. Case No. 128 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court.

11. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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