

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2618 of 2024

Arising Out of PS. Case No.-156 Year-2023 Thana- RAJEPUR District- East Champaran

1. Siya Devi @ Shiya Devi W/O Tuntun Sahani R/O Village Bhudkudwa,P.S. Rajepur, Distt-East Champaran
2. Geeta Devi W/O Mahesh Sahani R/O Village Bhudkudwa,P.S. Rajepur, Distt-East Champaran
3. Prabhawati Devi W/O Jaylal Sahani R/O Village Bhudkudwa,P.S. Rajepur, Distt-East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobh Devi W/O Chandan Paswan R/O Village Bhud kudawa,P.S. Rajepur, Distt-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Ranjana Srivastava
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 12-05-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Ms. Usha Kumari No. 1.

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 anticipatory bail vide order dated 13-2-2024 in A.B.P. No. 641 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Rajepur P.S. Case No. 156 of 2023 registered for the offences punishable under Sections 366, 376,



341, 323, 504, 506 and 34 of the IPC as well as Sections 3(1)(r) (s) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 30-1-2025, it would manifest that the same records that Superintendent of Police, East Champaran vide his letter dated 6-12-2024 reported that notice has been received by sister-in-law (gotni) of the respondent No. 2. It is next submitted that though a jointness application was required to be filed but then the same has not been filed for some pressing reasons. It is further submitted that since sister-in-law of the informant received the notice as reported by the Superintendent of Police, the notice be deemed to be validly served.

4. In view of the submission made by learned counsel appearing on behalf of the appellants, the notice is deemed to be validly served.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and are women and the informant alleges that her neighbours Shiv Shankar took her away in a vehicle on the pretext of getting his child treated by a doctor on 19-6-2023 and took her to a lonely place and raped her for 16 days, thereafter family members of Shiv Shankar, ie,



appellants came and took her back to her home on 4-7-2023, thereafter she disclosed the occurrence to her husband and father-in-law, accordingly they went to the house of Shiv Shankar when all accused abused her husband by taking caste name and also assaulted him.

6. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the occurrence is said to have commenced on 19-6-2023 and the same continued till 4-7-2023 and thereafter the instant FIR came to be instituted on 8-7-2023. It is also submitted that informant alleges that Shiv Shankar in the name of getting her child treated by a doctor on 19-6-2023 took her to a lonely place and raped her for 16 days but then it is submitted that it absolutely does not stand to reason that if the informant was missing from the house for 16 days why no FIR came to be instituted either by her husband or family members rather when the informant came back the instant FIR came to be instituted which also casts an aspersion on the case of the prosecution. It is further submitted that as far as appellants are concerned, the allegation against them of abuse and assault is general and omnibus in



nature. It is also submitted that since appellants are related to Shiv Shankar with whom informant and her family members are having dispute as such the appellants also came to be implicated only with a view to coerce other family members into submission and this perhaps explains why informant despite receiving notices chooses not to appear and contest.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

8. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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