

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2364 of 2017

Arising Out of PS.Case No. -208 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Rinku Kumari D/o- Gugu Sharma @ Guddu Sharma
2. Geeta Devi W/o- Late Dinesh Sharma
3. Gugu Sharma @ Guddu Sharma,
S/o- Shiv Narayan Sharma, All Resident of Village- Meenapur, P.S.-
Hajipur Town and District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anish Chandra, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

The appellants seek pre arrest bail in connection with
Hajipur Town P.S. Case No. 208 of 2017 registered for offences
punishable under sections 448, 354(a), 354(d), 341, 504, 506/34 of
the I.P.C. and Section 3(i)(1)W-II of SC/ST(Prevention of
Atrocities Amendment) Act, 2015 and under Section 12 of
POCSO Act and under Section 66E/67 (B) of the Information
Technology Act, 2008.

As per FIR, the allegation against the appellants is of
abusing and assaulting the informant and her family members,
along with other co-accused persons by taking her caste name. It is
further alleged that the other co-accused person has taken some



photographs of the daughter of the informant and sent it to other villagers' mobile with vulgar messages for which the informant went for *panchayati*, on protest of the said *panchayati* the occurrence took place.

Learned counsel for the appellants submits that no specific allegations have been attributed against them and they have been falsely implicated in this case. He further submits that appellant no. 1 and 2 are ladies having no criminal antecedents.

Submission of the learned Special Public Prosecutor is that the allegations leveled against the appellants, are serious in nature and anticipatory bail petition is not maintainable in case of SC/ST Act.

Having heard both sides, in view of the fact that prima facie case under the above mentioned Section of SC/ST Act is made out against the appellants, this appeal is not maintainable.

Let appellants surrender before the Special Court within a period of six weeks and make prayer for regular bail and if any such application is filed, the Special Court, after considering the submission of learned counsel for the appellants and materials available on records as well as the fact that appellant nos. 1 and 2 are ladies, shall pass appropriate order, preferably on the same day, without being prejudiced by the order of this Court.



With the above observation, this appeal is disposed of.

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(**Vinod Kumar Sinha, J**)

