

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3109 of 2017

Arising Out of PS.Case No. -317 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Kalpana Kumari W/o Suman Kumar, R/o Village- Jagat Singhapur, P.O.-
Ranitol, P.S.- Samastipur, Muffasil, District- Samastipur.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-12-2017

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST (Prevention) Atrocities Act, Samastipur in connection with Muffasil P.S.Case No. 317 of 2017 registered under Sections 406, 420 and 34 of the Indian Penal Code as well as under Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

The allegation is of non-execution of the sale deed in pursuance of agreement between the parties.

Allegation against the appellant is to have abused the informant by taking her caste name when she came out of the house.

Considering the fact that the FIR does not reveal



that the appellant was intending to humiliate the informant or her mother for the reason that she was member of the SC/ST.

In view of the background of the allegation, the bar under Section 18 of SC/ST Act is not attracted against the appellant.

Accordingly, let the appellant, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Muffasil P.S.Case No. 317 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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