

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1306 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Patna

Smt Darshan Devi @ Darshan Wife of Dhiraj Kumar Resident of Village -
Patel Nagar Sonaru More , P.S.- Fathua, Distt.- Patna.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 15-07-2019 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(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 anticipatory bail
vide order dated 01.03.2019 passed by learned Special Judge
SC/ST Act, Patna in connection with SC/ST/M P.S. Patna Case
No. 09 of 2019 registered under Sections 147, 148, 448, 341,
323, 380, 427, 354, 504 & 506 of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Informant is said to have obtained 1½ decimals of
land of Khata No.63, Khesara No.274 in gift from her father-in-



law and constructed rooms on the said land but the appellant Darshan Devi @ Darshan got 1 kahta land registered from her co-owner and damaged her rooms and looted household articles and she along with other accused persons assaulted and slated her in the name of her caste.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, the property in question was purchased by the appellant from great grand father-in-law and others in the year 2016 and is in possession thereof since then. Her name has also been mutated on the aforesaid property. As the appellant is in possession of the said land there is no question of raising rooms on the said land by the informant. The Circle Officer after inspection of the matter has reported that informant claims the aforesaid land on the basis of gift deed executed by her father-in-law through the Notary Public. On making obstruction by the informant over her land, the appellant given petition before the Senior Superintendent of Police, Patna and S.H.O., Fathua preceding to the filing of the case by the informant. Slating the informant in the name of her caste levelled against the appellant is not specific rather general and omnibus in nature. Moreover, there is no allegation of



slating the informant in the specific name of her caste. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail 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 Special Judge SC/ST Act, Patna in connection with SC/ST/M P.S. Patna Case No.09 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

