

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1545 of 2019**

Arising Out of PS. Case No.-311 Year-2018 Thana- BAJPATTI District- Sitamarhi

ANISA KHATOON @ ANISH KHATOON W/o Md. Chhedi Resident of
Village- Rasalpur, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

4 27-06-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.02.2019 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Act, Sitamarhi in connection with Bajpatti P.S. Case No. 311 of 2018, registered under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other named accused



persons are said to have slated the informant in the name of his caste and robbed his belongings and cash in the night and took his motorcycle on the point of knife and firearm.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. She has been falsely implicated in this case due to animosity. Earlier appellant has lodged Bajpatti P.S. Case No. 185 of 2016 against the close friend of the informant namely Isak Rain and said Isak Rain has got the aforesaid case lodged by the informant against the appellant and others in order to harass them. Informant has not sustained any injury in the occurrence. Moreover, allegation of slating the informant against the appellant is not specific rather general and omnibus in nature. Occurrence of slating in the name of caste is said to be of 10.00 P.M. hence, cannot be said to have been made in the public view so no offence under Section SC/ST Act is made out against the appellant. Appellant happens to be a lady. She has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged 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
A.D.J. 1st-cum-Special Judge (SC/ST Act) Sitamarhi in
connection with Bajpatti P.S. Case No. 311 of 2018, subject to
condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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