

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2206 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST District- Kaimur (Bhabua)

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1. MOST. KAMLA KUNWAR Wife of Late Santosh Singh Resident of Village- Ghataon, P.S.- Kudra, District- Kaimur (Bhabhua).
 2. Ragini Singh @ Ragani Singh, Daughter of Late Santosh Singh Resident of Village- Ghataon, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Chanda Devi, Wife of Sri Rahul Kumar Singh, Resident of Village- Ghataon, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar Mishra
		Mr. Nawal Kishor Singh
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 25.04.2019 passed by learned 1st Addl. Sessions Judge, Kaimur at Bhabhua in Bhabhua SC/ST P.S. Case No. 51 of 2018 registered under Sections 341, 323, 147, 354, 307, 380 and 379 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Appellants along with four other accused persons are



said to have intruded into the house of the informant and slated her in the name of her caste and other co-accused who happens to be male member assaulted the informant and tore her attire and also assaulted her husband who rushed in her rescue over performance of marriage by the informant with the son of appellant no.1 and brother of appellant no.2.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case as the appellants opposed the husband of the informant who happens to be drunkard, from selling out the house property. Informant in the case filed before SDJM, Varanasi has divulged that she happens to be wife of Dipti Ram. There is no allegation of assault against the appellants while the allegation of slating the informant in the name of her caste levelled against the appellants is not specific rather general and omnibus in nature. Moreover, aforesaid slating is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants happen to be ladies and they have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Kaimur at Bhabhua in connection with Bhabhua SC/ST P.S. Case No. 51 of 2018, subject to the 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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