

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3034 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- SC/ST District- Banka

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GOURI DEVI Wife of Madan Sah Resident of Village - Bela Shobhanpur,  
P.S.- Amarpur, Distt - Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Chandra Shekhar Anand  
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4      07-11-2019                      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 25.04.2019 passed by learned 1<sup>st</sup> Additional  
Sessions Judge, Banka in connection with Banka SC/ST P.S.  
Case No.40 of 2018 registered under Sections 147, 323, 341,  
452, 354, 354-B, 327, 504 & 506 of the Indian Penal Code and  
Section 3 (iii) (iv) (v) (vii) (x) (xi) (xiv) (x) of the Scheduled  
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with 11 other named accused



persons were getting the land of the informant dug with the help of the labourers and on the protest made by the informant, all the accused persons slated her in the name of caste and on forbidding them all the accused persons surrounded her and assaulted by means of slaps. On lodging the case by the informant regarding the said occurrence all the accused persons intruding into the house in the night slated in the name of caste and different accused persons assaulted different family members of the informant and misbehaved with the woman folk and tore her attire.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellant has lodged Amarpur P.S. Case No.409 of 2018 against the husband of informant and others, preceding to the case under hand, and to save skin from the said case this false and frivolous case has been lodged against the appellant and others. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is abnormal and inordinate delay of one month and three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about



the prosecution case. Appellant happens to be lady and 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 1<sup>st</sup> Additional Sessions Judge, Banka in connection with Banka SC/ST P.S. Case No.40 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 this appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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