

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3133 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- SC/ST District- Rohtas

Malti Kumari Wife of Late Lallan Singh Resident of Village- Shahari, P.S.-
Karakat (Gorari), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 01-08-2019 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 08.04.2019 passed by learned 1st Additional
Sessions Judge cum Special Court SC/ST Act, Rohtas at
Sasaram in connection with Dehri SC/ST P.S. Case No. 17 of
2019 registered under Sections 341, 323, 504, 506, 147, 148 and
149 of the Indian Penal Code and Section 3(1) (r) (s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Informant happens to be teacher in Upgraded Middle School, Khelaria. On striking out the attendance of teacher Santosh Kumar Bhagat for two days, appellant who happens to be Principal of the said school, slated him and assaulted him by means of sleeper. She called her three sons and 3-4 other miscreants and all the aforesaid persons entering in the school slated him in the name of caste and assaulted her. They also extended threatening of dire consequence to her.

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 merely because she has lodged Bikramganj P.S. Case No.576 of 2018 against the informant. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the name of his caste. Informant has not sustained injury in the occurrence. The F.I.R. has been lodged after abnormal and inordinate delay of 54 days without assigning any plausible explanation for the said delay. 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 1st Additional Sessions Judge cum Special Court SC/ST Act, Rohtas at Sasaram in connection with Dehri SC/ST P.S. Case No. 17 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)

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