

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3194 of 2019**

Arising Out of PS. Case No.-252 Year-2019 Thana- RAJIVNAGAR District- Patna

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Gita Devi Wife of Sri Suresh Sharma Resident of Chandra Vihar Colony,
Nepali Nagar, Ashiyana Digha Road, P.O.- Ashiyana Nagar, P.S.- Rajeev
Nagar, District- Patna, Pin Code- 800025 (Bihar).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhanendra Chaubey
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 04-09-2019 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 03.07.2019 passed by learned Additional
Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in
connection with Rajeev Nagar P.S. Case No. 252 of 2019
(Special Case No.241 of 2019) registered under Sections 341,
323, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r)
(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

On getting information about construction of the house on the land of the Bihar State Housing Cooperative Federation Limited by the accused persons, when the informant along with others arrived at the site and tried to get the work stopped, appellant along with two other ladies started slating him in the name of 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 merely because she happens to be wife of Suresh Sharma against whom the informant has lodged false and frivolous case on earlier occasions. The appellant does not know the caste name of the informant, hence no question of slating the informant in his caste name in order to humiliate him arises. Appellant is a 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 his 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 Additional Sessions Judge-XIII-cum Special Judge SC/ST Act, Patna in connection with Rajeev Nagar P.S. Case No. 252 of 2019 (Special Case No.241 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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