

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3292 of 2019**

Arising Out of PS. Case No.-288 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Annu Mishra Wife of Sri Narayan Mishra Resident of Mohalla- Koriyapatti,
Naurangabag, Ward No. 27, P.S.- Bettiah Town, District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 09-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 02.07.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, West Champaran at
Bettiah in Bettiah Town P.S. Case No. 288 of 2017 registered
under Sections 341, 323, 504/34 of the Indian Penal Code and
Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

While the informant along with his two friends
intruded into the house of Narayan Mishra to take his Rs.



50,000/- given to him, Narayan Mishra slating him in the name of his caste assaulted on his head by means of *Dab* inflicting head injury to him. Md. Anwar assaulted on his head by means of iron rod. When his friends rushed in his rescue, the appellant and other accused persons also assaulted them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. She has been falsely implicated in this case. As a matter of fact, the informant has himself taken money from the co-accused Narayan Mishra, and on demand, he assaulted him and lodged this false and frivolous case against the appellant and others to save his skin from the said occurrence. There is no allegation of slating the informant in the name of his caste against the appellant. Allegation of assaulting two companions of the informant levelled against the appellant is not specific rather general and omnibus in nature and the aforesaid persons have not sustained injury in the occurrence, hence, no offence under SC/ST Act is made out against the appellant. Appellant happens to be lady having no criminal antecedent.

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

In the facts and circumstances of the case, let the



above named appellant be released on bail, in the event of her 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 288 of 2017, 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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