

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3622 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- Buxar

Rita Devi Wife of Uttam Koeri Resident of Village- Baladeva, P.S- Itarhi,
District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

2 30-08-2019 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 for anticipatory bail vide order dated 26.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Buxar in connection with Buxar Mahila P.S. Case No.23 of 2019 registered under Section 376/34 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1) (r) (s) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Son of the appellant, namely, Pusha Koeri is said



to have established sexual cohabitation with the informant on the pretext of performing marriage with her and also performed marriage with her and kept her at the house of his sister and when the informant became pregnant he slating her dropped her in the maternal house. When the informant along with her parents approached his parents, they slated them in the name of caste and made them to leave the house.

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 mother of Pusha Koeri. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The slating is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant happens to be lady and she has 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Buxar in connection with Buxar Mahila P.S. Case No. 23 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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