

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4378 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

1. RUBI DEVI Wife of Laddu Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, District- Bhagalpur
2. Dulari Devi Wife of Bhaggu Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, District- Bhagalpur
3. Megha Kumari D/O - Arbind Yadav Resident of Village - Gopalpur, P.S.- Industrial Area, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Manoj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 07.09.2019 passed by learned 3rd Addl. Sessions Judge cum Special Judge, SC/ST, Bhagalpur in Industrial Area P.S. Case No. 153 of 2018 registered under Sections 341, 323, 385, 354A, 448, 504, 506 and 509/34 of the Indian Penal Code and Section 3(1)(s)/3(2)(v)(a) of the SC/ST Act.

Four named accused persons and the appellants and their children are said to have intruded into the house of the



informant and assaulted the informant, her daughter-in-law, daughter and grand daughter slating them in the name of their caste and demanded Rs.20000/- per month in extortion.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case on account of earlier dispute in which panchayati was held between the parties, but the informant side failed to oblige the verdict of the panchayati and lodged this false and frivolous case against the appellants to save their skin. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. Slating the informant and her family members in the name of their caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants happen to be ladies and they have no criminal antecedent. Similarly situated co-accused namely Arbind Yadav, Laddu Yadav and Bhaggu Yadav have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.05.2019 passed in Cr. Appeal (SJ) No. 1846 of 2019.

Learned Spl. PP for the State opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge, SC/ST, Bhagalpur in connection with Industrial Area P.S. Case No. 153 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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