

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4598 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- SAHODARA District- West Champaran

1. SUGANDHI DEVI Wife of Jhameli Chaudhary Resident of Village-Banspur Pipra, Police Station- Sahodara, District- West Champaran.
2. Chiraiya Devi Daughter of Naresh Chaudhary Resident of Village-Banspur Pipra, Police Station-Sahodara, District-West Champaran.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 23-10-2019 Heard learned counsel for the appellants 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 18.09.2019 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), West Champaran at Bettiah in connection with Sahodara P.S. Case No.35 of 2018 registered under Sections 341, 323, 447, 448, 504 & 506/34 of the Indian Penal Code and Section 3(1) (x) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Five named accused persons including the appellants descending at the house of the informant slated her in name of her caste and also extended threatening of dire consequences in case of giving evidence in the case earlier lodged against them. They also assaulted the daughter-in-law of the informant intruding into her house.

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 merely because they have been given privilege of bail under Section 41 (A) of the Cr.P.C. in a case lodged by the husband of the informant against them. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating is said to have been made at 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 lady.

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

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST/POCSO Act), West Champaran at Bettiah in connection with Sahodara P.S. Case No.35 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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