

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5622 of 2019

Arising Out of PS. Case No.-528 Year-2018 Thana- DHAKA District- East Champaran

Kamini Devi W/o Late Jagat Raut @ Ram Jagat Raut Resident of Village-
Patel Nagar, P.S.- Dhaka, District- East Champaran

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 20-12-2019

Heard learned counsel for the appellant and learned
Additional Public Prosecutor appearing on behalf of the State.

The appellant is aggrieved by the order dated 04.12.2019
passed by learned 1st Additional Sessions Judge-cum-Special Judge,
SC/ST Act, East Champaran at Motihari in A.B.P. No. 3403 of 2019
arising out of Dhaka P.S. Case No. 528 of 2018 registered for the
offences under Sections 342, 447, 504 and 506/34 of the Indian Penal
Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes &
Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellant is that she has used
language calling the caste name of the informant.

Learned counsel for the appellant submits that the appellant
has no criminal antecedent. Learned counsel submits that the
occurrence took place at the residence of the informant and not in
public view. As such, the provisions of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act are not attracted in the case.

So far as other allied sections of the IPC are concerned, learned counsel for the appellant submits that there is general and omnibus allegation against the appellant.

Considering the fact that the appellant is the lady; she has no criminal antecedent; the nature of the allegation and the submission that the occurrence did not take place in public view, this Court is inclined to grant the privilege of anticipatory bail to her. Let the petitioner, above-named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five 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 Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 528 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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