

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.235 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- SC/ST District- Patna

ANJU DEVI W/o Rajnish Kumar Resident of Village- Lahladpur, P.S.-
Gaurichak, Distt- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Adv.

For the Respondent/s : Mrs. Usha Kumari, SPP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-12-2020 Heard the learned counsel for the appellant and Mrs. Usha Kumari, learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 19.09.2019 passed by the learned Additional Session Judge-XX-cum Special Judge SC/ST Act, Patna in Anticipatory Bail Petition No. 7269 of 2019 in connection with Special Case No. 89 of 2019 arising out of SC/ST Patna P.S. Case No. 10 of 2019 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and



Sections 3(1)(r)(s)/3(2)(Va) of the SC/ST Act, whereby and whereunder the prayer of the appellant for grant of anticipatory bail has been refused.

The allegation levelled by the informant is that when he had gone inside the chamber of the appellant herein, who is the Chairman of the District Board, the appellant and other co-accused persons sitting there had abused him by taking his caste specific name as also had assaulted him and taken out a sum of Rs. 2,400/- from his pocket.

The learned counsel for the appellant has submitted that the appellant is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the appellant has further submitted that earlier the appellant had lodged one case bearing Gandhi Maidan P.S. Case no. 109 of 2019 dated 27.02.2019 against the informant of this case alleging therein that the informant had entered into her chamber and misbehaved with her as also had outraged her modesty and misbehaved with her and it is only in



order to pressurize her to withdraw the said case that the informant has lodged the present case making false and concocted allegation by misusing the provisions of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989, which in any view of the matter are not attracted in the present case. It is also submitted that a general and omnibus allegation has been levelled against the appellant and there is no specific allegation qua the appellant herein of having abused the informant by taking any caste specific name. It is further submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 02.09.2020 passed in Criminal Appeal (SJ) No. 396 of 2020.

Per contra, the learned Special P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellant and taking into account the materials available on record as



also considering the parity of the case of the appellant with that of the co-accused persons, who have already been granted bail by a coordinate Bench of this Court, apart from the fact that a general and omnibus allegation has been levelled against the appellant herein, I deem it fit and proper to admit the appellant to the privilege of anticipatory bail.

Accordingly, the appellant, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XX cum Special Judge SC/ST Act Patna in connection with Special Case No. 89 of 2019 arising out of SC/ST Patna P.S. Case No. 10 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

Consequently the impugned order dated 19.09.2019 passed by the learned Additional Session Judge-XX-cum Special Judge SC/ST Act, Patna in Anticipatory Bail Petition No. 7269 of 2019



in connection with Special Case No. 89 of 2019
arising out of SC/ST Patna P.S. Case No. 10 of 2019
is set aside.

The Appeal stands allowed.

(Mohit Kumar Shah, J)

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