

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5666 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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ANITA SINGH @ ANITA DEVI Wife of Late Amlendu Pratap Singh
Resident of Village- Jamalpur, P.S.- Gogri, District- Khagaria, at present Flat
No. - 1104, Kalabati Sadan, Collegiate Gali, Nala Road, Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Uttam Ram @ Uttam Das Son of Late Sahdeo Das Resident of Village-
Pirnagar, P.S.- Beldaur, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh, Adv
For the Respondent/s : Mrs.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 16.10.2019 in A.B.P. (SC/ST)No.35 of 2019 (arising out of Complaint Case No.31C/2017) passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Khagaria registered under Sections 420,467,468,323,379,506,34 of the Indian Penal Code as well as under Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.



Allegation of committing fraud with the complainant is directly against co-accused-Ajay Pratap Singh as Ajay Pratap Singh sold away the same land to the complainant which was already sold by the appellant in the year 2017 to some other person.

Since appellant, who is a female, was not directly involved in the transaction between the co-accused and the complainant, no prima facie accusation of commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant, hence, let the appellant, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, failing which the court below shall be



at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Birendra Kumar, J)

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