

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.570 of 2020**

Arising Out of PS. Case No.-12 Year-2019 Thana- SC/ST BETTIAH District- West
Champaran

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RAGANI DEVI @ RAGNI DEVI @ RAGANI KUSHWAHA Wife of Kamal
Kushwaha Resident of Village - Chirhiya, P.S. - Naurangia, District - Bettiah
West Champaran. Present address Swarauj Tractor agency Narkatiyaganj,
P.S.- Sikarpur, Dist. - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vikram Jeet, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 04-03-2021 Heard both sides.

The appellant filed this appeal under Section 14(A)
(2) of the S.C./S.T. Act against the order dated 18.12.2019
passed by learned Additional Sessions Judge I-cum-Special
Judge, SC/ST POCSO, West Champaran at Bettiah by which the
anticipatory bail of the appellant has been rejected in Sadar
Bettiah S.C./S.T. P.S. Case No.12 of 2019 registered under
Sections 341, 323, 379, 504 and 34 of the Indian Penal Code
and under Sections 3(i)(r)(ii)(v-a) of the S.C./S.T. Act.

The appellant submits that from perusal of the F.I.R.
itself, it would appear that the informant had taken tractor on
loan. The informant asserted that she was paying loan but in



fact, the informant did not pay the installment of the loan on such, the Financer brought the tractor but the informant made the appellant and two others, who are employees of the company, as accused and alleged that they assaulted and abused the informant. In fact, it is a case of dispute with regard to payment of installment of loan. A case of dishonouring of cheque is also pending against the informant. The informant did not make any sorts of allegation against the appellant. The appellant is a lady. Similarly situated other two persons namely, Sanjay Rao @ Sanjay Kumar Rai and Rajiv Rao have already been granted anticipatory bail on 09.12.2019 vide order passed in Criminal Appeal No.5379 of 2019. The case of the appellant stands on better footing.

Mr. Sadanand Paswan, learned Special P.P. did not dispute this fact.

Having regard to the facts and on perusal of the record, it appears that of course the informant named the appellant in the F.I.R. but she did not make any allegation against the appellant. On the face of it, it appears that informant had purchased the tractor on loan and when the loan installment was not paid, the Financer took appropriate actions against the loanee and brought the tractor to the company. Being aggrieved



by such actions of the Financing Company, the informant appears to have filed the present case. A case of cheque dishonouring is also pending against the informant. Thus, I find that the appellant deserves anticipatory bail. Accordingly, the order dated 18.12.2019 is set aside. The appeal is allowed and let the appellant, above named, in the event of her arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, SC/ST POCSO, West Champaran at Bettiah in connection with Sadar Bettiah S.C./S.T. P.S. Case No.12 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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