

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1787 of 2021**

Arising Out of PS. Case No.-327 Year-2020 Thana- LAXMIPUR District- Jamui

SUNITA DEVI W/o Bachandev Rawat @ Bhukhan Resident of Village -
Gidhaur, (Primary Health Centre), P.s.- Gidhaur, Distt.- Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjan Parihar- Advocate
For the Respondent/s : Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-07-2021 The learned Advocate for the appellant presses the interlocutory application and submits that for reasons which could beyond his control, there was a delay in preferring the appeal.

For the reasons stated in the application, the prayer for condonation of delay is allowed.

Heard Mr. Niranjan Parihar, the learned Advocate for the appellant and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 03.12.2020 passed by the learned 1st Additional District & Sessions Judge, Jamui in connection with Laxmipur P. S. Case No.327 of 2020, instituted for the offences under Sections 341, 353, 385, 504, 506/34 of the Indian Penal



Code and Section 3(i)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellant is a maid and it has been alleged against her that when she was allotted work by the contractor for cleaning up the premises for which she got paid, she refuses to comply and also threatened the office bearers of dire consequences. She also hurled such accusations which might bring the offence under the SC/ST (P.O.A.) Act.

The learned Advocate for the appellant has submitted that the accusation in the F.I.R. is absolutely false and unbelievable inasmuch as a maid-servant employed for cleaning the premises would not have the audacity or temerity to subject the superior officers to any ignominy or disrespect because of their caste. It appears that the appellant has not been working and for that her contract could be cancelled but charging her with a criminal offence is a way off-line.

Considering the afore-noted argument, it appears that the offence under the SC/ST (P.O.A.) Act is not made



out as against the appellant.

For the reasons afore-noted, the order dated
03.12.2020, referred to above, is set aside.

The appeal stands allowed.

The appellant, above named, in the event of his
arrest or surrender before the learned Court below within a
period of eight weeks, is directed to be released on bail on his
furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the learned 1st Additional District and Sessions
Judge, Jamui in connection with Laxmipur P. S. Case No.327 of
2020, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

(Ashutosh Kumar, J)

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