

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1241 of 2020

Arising Out of PS. Case No.-9 Year-2019 Thana- SC/ST District- Gopalganj

NITU DEVI Wife of Rambhu Chaudhary @ Shambhu Chaudhary Resident of
Village - Pithauri, P.S.- Thawey, District - Gopalganj.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-02-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellant in connection with Gopalganj SC/ST P.S. Case No. 09 of 2019 registered for the offences under Sections 341, 323, 307, 354(A), 504/34 of the Indian Penal Code and Sections 3(i) (r)(s)(w), 2(v) of the SC/ST (POA) Act.

Prosecution case in brief is that the house of Rambabu Chaudhary and the appellant is situated near the Bathan of the informant. Previous day of the alleged occurrence his she-calf went at the door of the accused persons for which there was hot exchange between the female members of both side. On 04-02-



2019 at 6.00 a.m. his mother Most. Lalmati Kuer and sister Pinki Kumari went to Bathan for feeding cow, then Nitu Devi having lathi and Rambhu Chaudhary having iron rod began assaulting his mother and sister. When his another sister Baby Kumari reached there, Nitu Devi caught her hair and pulled out and began assaulting with lathi and Rambhu causing fracture injury. The accused persons also abused derogating his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to ulterior motive. From perusal of order of the Sessions Court, it appears that there is no injury report on record to substantiate the allegations in respect of assault made by the accused persons. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16-10-2019 passed by learned Additional District &



Sessions Judge, Gopalganj in Gopalganj SC/ST P.S. Case No. 09 of 2019 is set aside. The present Criminal Appeal is ***allowed***.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 09 of 2019.

(Sudhir Singh, J)

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