

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2408 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- SC/ST District- Sitamarhi

MADHVI KUMARI @ PUTTI KUMARI @ MADHVI Daughter of Mr.
Lakhpati Singh Resident of Village - Punaura (West), P.S. - Punaura, District -
Sitamarhi

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Udbhav, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2021 Heard Mr. Ajay Kumar Thakur, learned counsel

for the appellants and Mr. Alok Kumar Jha, for the

informant. The State is represented by Mr. Binay

Krishna, learned Spl. PP.

The appellant has challenged the order dated

09.03.2021 passed by the learned 1st Additional

Sessions Judge-cum-Special Judge, SC/ST (POA) Act,

Sitamarhi in A.B.P. No. 471 of 2021/49/2021 arising

out of Sitamarhi SC/ST P.S. Case No. 06 of 2021,

whereby the prayer made on behalf of the appellant for

grant of pre-arrest bail for the offences under Sections



341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation in the FIR is that when the informant and her son and others went to the house of Lakhpati Singh for demanding registration of the land for which he had already been paid Rs. 3,80,000/-, she was assaulted, disrobed and abused. She was also dragged out of the house and demeaned in full public view. The appellant is said to have spat on the face of the informant.

Learned counsel for the appellant has submitted that from the averments made in the FIR itself it would appear that there is a dispute with respect to purchase of land. It has further been submitted that assuming but not admitting the accusation regarding the land not being transferred in the name of the informant by co-accused Lakhpati Singh, the offence under the SC/ST (Prevention of Atrocities) Act could not be made out as



the primary dispute is somewhere else. The accusation therefore appears to have been highly exaggerated. The case has been lodged after about 15 days of the occurrence without there being any explanation.

On the date of occurrence *i.e.* 14.01.2021, the son and associate of the informant had actually behaved in a most indecent fashion and for such incident, the appellant had filed a written report before the police which has given rise to Punaura P.S. Case No. 18 of 2021. That case also though was filed on 14.01.2021 but the FIR was registered on 21.01.2021. An application also has been filed before the Superintendent of Police intimating him that a Jamabandi has been created in his name with respect to the plot of land which is said to have been purchased by the informant. The land is attempted to be grabbed at the instance of one of his agnates, who has set up the informant for the aforesaid purpose.

The learned counsel for the appellant has



therefore submitted that the accusation against the appellant is only for the purpose of preventing her from taking advantage of the beneficial provision under the Code of Criminal Procedure (438 Cr.P.C.).

For the reasons aforesated, the order dated 09.03.2021 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, she shall be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in A.B.P. No. 471 of 2021/49/2021 arising out of Sitamarhi SC/ST P.S. Case No. 06 of 2021.

(Ashutosh Kumar, J)

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