

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1384 of 2020**

Arising Out of PS. Case No.-176 Year-2019 Thana- NAUTAN District- Siwan

ANITA DEVI Wife of Kalika Chaudhary @ Kalika Yadav Resident of Village
- Rahimpur, P.S.- Nautan, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeet Kumar
For the Respondent/s	:	Mr.A Binay Krishna
For the informant	:	Mr. Ajay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 19-01-2021 Heard learned Counsel for the appellant, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

An order, dated 23.01.2020 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Siwan, in
A.B.P. No. 2477 of 2019, is under challenge in the present
appeal preferred under Section 14-A(2) of the Scheduled Caste
and Scheduled Tribes (Prevention of Atrocities) Act, 1989,
whereby the anticipatory bail application of the appellants in
connection with Nautan Police Station Case No. 176 of 2019
registered for the offences punishable under Sections 323/354-
B/379 of the Indian Penal Code and Section 3 (i) (x) of the
Scheduled Caste and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that the appellant snatched the Mangal Sutra of the informant and also called the informant by her caste name.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and she has falsely been implicated in this case alleging general and omnibus allegation. He further submits that there is case and counter case inasmuch as one of the relatives of the appellant has filed Nautan Police Station Case No. 179 of 2019. He further submits that the appellant is a lady and the allegation against her is ornamental in nature. He further submits that co-accused persons have been granted bail by the learned Court below itself.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the appellant is a lady and there is no specific allegation of assault upon her, I am inclined to grant the appellant privilege of anticipatory bail.

Accordingly, this appeal is allowed and the order, dated 23.01.2020, passed in A.B.P. No. 2477 of 2019, by learned 1st Additional Sessions Judge -cum- Special Judge, Siwan, is set



aside.

Let the appellant, above named, in the event of her arrest or surrender before the Court below within six weeks from today, 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 learned 1st Additional Sessions Judge -cum- Special Judge, Siwan, in connection with Nautan Police Station Case No. 176 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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