

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1991 of 2020**

Arising Out of PS. Case No.-33 Year-2018 Thana- SC/ST District- Banka

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Priti Kumari aged about 37 years W/o Sanjay Kumar Das R/o village- Chihar,
P.S.- Barahat, District- Banka ... Appellant

Versus

The State of Bihar ... Respondent

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Appearance :

For the Appellant : Mr.Sanjay Kumar Jha, Advocate
For the Respondent : Mr. Addl Public Prosecutor

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

2 27-01-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 16.3.2020, passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Banka in a case registered for the offence punishable under Sections 420/120B and other allied sections of the Indian Penal Code and Section 3 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby anticipatory bail of the appellant has been rejected.

As per the prosecution case, on the alleged date of occurrence all the named accused persons including the appellant were ploughing the field of informant and when the same was protested, they abused him hurling filthy language and calling caste name. They also demanded rangdari from the informant.

Learned counsel for the appellant submits that the appellant also belongs to Scheduled Caste which is also



apparent from the caste certificate contained in Annexure 2 and so no case is made out against her under SC/ST Act. It is also submitted that after investigation, police submitted final form but differing with same, the Court below has taken cognizance of the offence against the appellant and others. There is land dispute between the parties.

Learned counsel for the state opposes the appeal.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 16.3.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within eight weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Banka in Banka SC/ST Police Station case no. 33 of 2018.

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(Prabhat Kumar Singh, J)

