

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.406 of 2021**

Arising Out of PS. Case No.-40 Year-2019 Thana- MUSRIGHRARI District- Samastipur

DR. SUMAN KUMARI @ SUMAN KUMARI Wife of Rishikesh Kumar
Resident of Village - Majhauri Khetal, P.S.- Muzaffarpur Sadar, District -
Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hriday Narayan Harshit
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The appellant has challenged the order dated
14.09.2020 passed by learned Additional Sessions Judge-1st,
Samastipur in ABP No. 694 of 2020 in connection with
Musrigharari P.S. Case No. 40 of 2019 registered for the
offences under sections 141, 504 and 506 of the Indian Penal
Code and 3(1)(r) of SC/ST (Prevention of Atrocities) Act
whereby the prayer made on behalf of the appellant for grant of
anticipatory bail has been rejected.



Prosecution allegation, in short, is that the accused person tortured and humiliated the informant and on protest, she was abused by the informant by taking her 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. No grievous injury is said to have been caused in course of the occurrence. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 14.09.2020 passed by learned Additional Sessions Judge-1st, Samastipur in ABP No. 694 of 2020 is set aside.

The appeal stands allowed.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional



Sessions Judge-1st, Samastipur in connection with
Musrigharari P.S. Case No. 40 of 2019.

Once the normalcy is restored, the appellant shall
furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the Court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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