

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.273 of 2021**

Arising Out of PS. Case No.-258 Year-2020 Thana- KATEYA District- Gopalganj

PREM KUMARI DEVI W/o Baijnath Goswami R/o village- Chhitauna, P.S.-
Kateya, District- Gopalganj

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vyas Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 25-06-2021 Heard Mr. Vyas Kumar Mishra, learned counsel

for the appellant and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

This appeal is directed against the order dated

15.11.2019 passed by the learned Additional District &

Sessions Judge -I, Gopalganj in Kateya P.S. Case No. 258

of 2020, whereby the prayer made on behalf of the

appellant for grant of anticipatory bail for the offences under

Sections 188 and 504 of the Indian Penal Code and Section

3(1)(r)(s) of SC/ST Act and Section 2 /3 of Prevention of

Insults to National Honour Act, 1971 has been rejected.

From perusal of the F.I.R., it appears that while



the National Anthem was being sung and National Flag was being unfurled, the appellant caused disturbance and also abused the Headmaster by taking his caste name.

It has been urged on behalf of the appellant that she has been made accused in this case only because of her being an Ex-Ward Member and that also at the instance of local Mukhiya. Learned counsel for the appellant, therefore, submits that no offence under anyone of the sections of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.

The aforesaid ground taken by the appellant does not appear to be correct as other witnesses also have stated about the appellant having thrown a piece of brick at the National Flag and abused the Headmaster by taking his caste name.

No ground, therefore, has been made out by the appellant to interfere with the order passed by the court below.

However, it would be open for the appellant to surrender before the court below and seek bail and in that



event, the court below shall taken into account all the facts including the gender of the petitioner and the possibility of her false implication and shall pass order in accordance with law, without being prejudiced by the fact that the present appeal on her behalf has not been entertained.

(Ashutosh Kumar, J)

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