

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.440 of 2021**

Arising Out of PS. Case No.-450 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

SUMAN DEVI, age about 28 years, Female, Wife of Mukesh Singh, R/o Village- Dasauti, P.S.- Mohania, District- Kaimur at Bhabua, at present Ward No. 7 Mohania, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Tribhuwan Narayan, Advocate.

For the Respondent : Mr.Spl. P.P.

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

2 12-04-2021 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 matter relates to grant of anticipatory bail to the appellant in connection with Mohania P.S. Case No. 450 of 2020, registered for the offences under Sections 147, 149, 354, 354(B), 323, 341, 379, 506 of the I.P.C. and 3(1)(t), 3(2)(va) of the SC/ST (POA) Act.

The prosecution case, in short, is that on 12.10.2019 the petitioner and two co-accused forcibly tried to get the room vacated and in the attempt to get it vacated, they assaulted the



informant. When she resisted, accused persons outraged her modesty by tearing her clothes. On the next day, accused alongwith 7-8 other persons came and started abusing her with caste name and assaulted her badly. As a result of which, the informant suffered grave injuries. The accused took away Rs. 2,000/- and a neck-less and while leaving threatened her of dire consequences if the matter is reported.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against her. The appellant is lady. General and omnibus allegation has been made against her. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 16.09.2020, passed in A.B.P. No. 786 of 2019 in connection with Mohania P.S. Case No. 450 of 2020 by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Kaimur at Bhabua, is set aside. The criminal appeal is allowed.



Accordingly, the appellant above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-Ist-cum-Special Judge, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 450 of 2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

