

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.712 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- SINGHWARA District- Darbhanga

1. KIRAN DEVI, W/o Jiwan Sahni Resident of Village- Bhajoura, P.S.- Singhwara, Distt- Darbhanga.
2. Nagia Devi, W/o Buni @ Buni Sahni Resident of Village- Bhajoura, P.S.- Singhwara, Distt- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Jha

For the Respondent/s : Mr.SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-08-2021 Heard Mr. Sanjeev Kumar Jha, learned Advocate for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 06.10.2020, passed by the learned Additional Sessions Judge 1st cum Special Judge, (POA Act), District – Darbhanga, in A.B.P. No. 1244 of 2020, arising out of Singhwara P. S. Case No. 164 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 354, 379, 504, 308 and 34 of the



Indian Penal Code and Section 2 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The dispute between the parties has arisen because of the informant having refused to give biscuits on credit.

The learned counsel for the appellants has submitted that though there is an allegation in the F.I.R. of the informant having been assaulted and divested of her personal belongings but the accusation of assault is on other accused persons and not on the appellants.

The appellants are ladies and have been made accused in this case with ulterior motives.

There is a counter version of the occurrence lodged by the husband of appellant no. 1 *vide* Singhwara P. S. Case No. 153 of 2020. The present litigation is an offshoot of the aforesaid case.

Apart from this, it has been submitted that the accusation against the appellants do not make out a case



under any Section of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the invocation of the aforesaid Act is with a *mala fide* intention for preventing the appellants and their family members from taking advantage of the beneficent provisions under the Code of Criminal Procedure.

For the reasons afore-stated, the order dated 06.10.2020, passed by the learned Additional Sessions Judge 1st cum Special Judge, (POA Act), District – Darbhanga, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge 1st cum Special Judge, (POA Act), District – Darbhanga, in connection with Singhwara P. S. Case No. 164 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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