

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1348 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- NAANPUR District- Sitamarhi

MUSTAKIMA KHATOON W/o Md. Ekram @ Akram Sah R/o village-
Singhachauri, Fakirtakiya Tola, P.S.- Nanpur, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Siya Devi@Sanjha Devi wife of Bhagwan Das Village- Singhachaudi, ward
no. 13, P.S.- Nanpur, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 01-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In compliance of order dated 21.06.2022, notice was issued upon respondent no.2 and as per office notes, the same has been validly served to respondent no.2 but despite valid service of notice, nobody has entered appearance on her behalf.

Learned counsel for the appellant is directed to remove the defects as pointed out by the office.

This is an appeal under section 14(A) 2 of the Scheduled Castes and Scheduled Tribes Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 17.12.2020, passed by learned



1st Additional Sessions Judge/ Special Judge, SC/ST (POA Act), Sitamarhi, in connection with Nanpur P.S. Case No.138 of 2020, registered u/s 147, 148, 149, 323, 324, 325, 307, 354, 504, 302 of the IPC and sections 3(1)(x)(s)(w)(i)/3(2)(v) SC/ST Act.

Allegedly, a goat was damaging the crops in the field of informant and when she asked the accused persons to take care of the goat, one Md.Shafique Shah @ Bhola came there and abused her. Thereafter, some accused persons including the appellant armed variously came there and assaulted one Bharat Das and other villagers brutally.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. Appellant has no criminal antecedent. The appellant is an old lady of 61 years and there is no specific allegation against her to abuse the informant by taking caste name, which is clear from the F.I.R. itself. No offence under the SC/ST Act is made out against the appellant as the occurrence took place with the families of informant and accused Sadique Sah @ Bhola. Similarly situated co-accused have been enlarged on anticipatory bail vide Cr. Appeal (SJ) No.826 of 2021 dated



12.04.2021 and Cr. Appeal (SJ) No.2571 of 2021 dated 24.06.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case and that similarly situated co-accused have been granted bail, the appellant named above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge/ Special Judge, SC/ST (POA Act), Sitamarhi, in connection with Nanpur P.S. Case No.138 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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