

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1720 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

INDU KUMARI @ INDU DEVI Daughter of Brijnandan Yadav Resident of Village - Rampur, P.S. - Rajouli, District- Nawada at present Wife of Sambhu Kumar, Resident of Sherpur, P.S.- Akbarpur, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arbind Singh Son of Late Badho Singh R/O Vill- Rampur (Nimatar), P.S.- Rajauli, Dist- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Man Mohan Kumar, Adv
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2022 Heard learned counsel for the appellant and learned Spl.P.P. for the State. Although, notice was directed to be issued against the respondent no.2 but despite valid service of notice, nobody appears on his behalf.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 18.12.2020, passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act) Nawada, in connection with Rajouli P.S. Case No. 223 of 2020, registered under sections 147, 341, 323, 307, 302 of the Indian Penal Code



and section 3(2)(v) of S.C./S.T. Act.

Allegedly, the appellant along with other accused persons is said to have assaulted the brother of the informant by means of several weapons. The brother of the informant was taken to hospital where he was declared dead by doctor

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case for extraneous consideration. No such occurrence as alleged has ever taken place. It is submitted that there is general and omnibus allegation against the appellant. There is no specific overt act against the appellant. There is no specific allegation against the appellant to abuse by taking caste name. He further submits that prior to date of occurrence, appellant was admitted as indoor patient at Primary Health Center at Akbarpur on 24.05.2020 and has given birth to a child on 29.05.2020. The appellant has no criminal antecedent, as also mentioned in para-3 of this memo of appeal.

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

Considering the facts and circumstances of the case, since there is no specific overt act against the appellant to abuse by taking caste name, let 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, 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-cum-Special Judge (SC/ST Act), Nawada in Rajouli in connection with Rajouli P.S. Case No.223 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)

shikha/-

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

