

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.887 of 2022**

Arising Out of PS. Case No.-68 Year-2021 Thana- SC/ST District- Darbhanga

Rehana Khatoon, W/o Md. Ramjan @ Ramjan Ali, Resident of Village-Dighiyara, P.S.- Keoti, Distt.- Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Sagar Paswan, Son of Late Mahavir Paswan, Resident of Village-Dighiyara, P.S.- Keoti, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-09-2022 Learned counsel for the Appellant is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Nilendu Kumar Choudhary, learned counsel appearing on behalf of the appellant, Mr. Binay Kumar, on the instruction of Aditya Kumar, learned counsel for the appellant and the learned Spl.PP for the State.

The present appeal under Section 14(A) (2) of the Scheduled Caste/Scheduled Tribe, (Prevention of Atrocities) Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 18.01.2022 passed by learned 3rd Additional Sessions Judge-cum- Exclusive Special Judge,



SC/ST Act, Darbhanga in connection with SC/ST P.S. case no. 68 of 2021 registered for the offences punishable under Sections 341, 342, 323, 374, 420, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)/3(i)(s)/3(i)(a) of the SC/ST Act whereby the prayer for grant of regular bail of the appellant has been rejected.

As per the prosecution case, it is alleged that the appellant and her son had given a contract of constructing a house of five rooms for a sum of Rs. 1,25,000/- (Rupees One lakh twenty five thousand) and in advance an amount of Rs. 51,700 /- had been given to the informant. After the completion of the construction work, some dispute with regard to the cost has been raised and it is alleged that this appellant by taking the caste name of the respondent no.2 abused. It is also alleged that son of the appellant has also assaulted him and forcibly took away his apparatus worth Rs. 40,000/-.

Learned counsel for the appellant submits that save and except the allegation that the appellant abused the respondent no. 2 by taking his caste name, there is no allegation of any overt act against her. He next submits that the appellant, being a lady, is in custody since 30.12.2021. He further submits that the entire incidence has taken place inside the house and as



such no provision of SC/ST Act is applicable, at least against the appellant. Moreover, the informant has not received any injury and there is no material on record to substantiate the allegation.

On the other hand, learned counsel for the informant-respondent no.2 vehemently opposes the bail application and submits that the appellant is found involved in five other criminal cases and she is not a simpleton woman, rather she appears to be habitual offender.

Regard being had to the allegation levelled against the appellant coupled with the period of incarceration and the appellant being a woman, let, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge SC/ST (POA) Act, Darbhanga, Bihar in connection with Darbhanga SC/ST P.S. Case No. 68 of 2021 subject to the condition that one of the bailors will be the close relative of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of



trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

Accordingly the impugned order dated 18.01.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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