

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1239 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- SC/ST District- East Champaran

1. Ravina Khatoon @ Rabina Khatoon W/O Afsar Miyan @ Afsar Alam Resident Of Village- Siswan Maldahiya, P.S.- Paharpur, District- East Champaran.
2. Afsar Miyan @ Afsar Alam Son Of Late Jan Mahamad Miyan Resident Of Village- Siswan Maldahiya, P.S.- Paharpur, District- East Champaran.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma Mr. Abhishek Kumar
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 The learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellant no.2.

Permission is accorded.

Accordingly, instant appeal is dismissed as withdrawn with respect to appellant no.2, namely, Afsar Miyan @ Afsar Alam.

Heard learned counsel for the rest appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 07.03.2022 passed by the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with SC/ST P. S.



Case No.42 of 2021, instituted for the offences under Sections 447, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code, Section 3/ 4 of the Witch Prohibition Act and Section 3(1)(r)(s), W(i) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that appellant has antecedent of one case and is a woman and the informant alleges that accused persons including the appellant on 10.10.2021 came to her house and Afsar Mian abused her by taking caste name and addressed her as a Witch. Further Sahil Alam disrobed and Afsar Mian dashed her on the ground. Further, appellant snatched her chain worth Rs.25,000/- It is next alleged that even the husband and brother in-law of the informant were assaulted by Alam Mian by an iron rod causing injury on left hand.

The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that prima facie, no offence under the SC/ST (P.O.A.) Act is made Act as the entire occurrence, as alleged, took place at the house of the informant and thus,



was not in public view and as far as allegation against this appellant is alleged, it is ornamental in nature of snatching chain worth Rs.25,000/-.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 07.03.2022 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with SC/ST P. S. Case No.42 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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