

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3475 of 2021

Arising Out of PS. Case No.-153 Year-2019 Thana- ARWAL District- Jehanabad

Radhika Devi Wife of Surendra Singh Resident of Village- Santawan Bigha,
Police Station- Arwal, District-Arwal.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Ram Vinay Paswan Late Shiv Paswan Resident of Village-Santawan Bigha,
P.S. and District-Arwal.

... .. Respondent/s

Appearance :

For the Appellant : Mr. Anil Kumar, Advocate
For the State : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

By order dated 04.07.2022, notice was issued to respondent no.2. The office points out that respondent no.2 refused to accept the notice, so the process server hanged the notice on the wall of his house.

In view of the fact aforesaid, the notice issued to respondent no.2 is treated to be validly served on him.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated



06.08.2019, passed by learned Additional Sessions Judge-I, Jehanabad in connection with Arwal (SC/ST) P.S. Case No.153 of 2019, registered under Sections 452 and 354(A) of the Indian Penal Code, Section 8 of the POCSO Act and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that there is general and omnibus allegation against the appellant. It is further submitted that similarly situated other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.03.2021, passed in Criminal Appeal (SJ) No.4287 of 2019.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the fact that similarly situated other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let appellant, above named, in the event of her arrest or surrender before the learned court below within a period of six weeks



from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Jehanabad in connection with Arwal P.S. Case No.153 of 2019, subject to the conditions 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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