

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1234 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- SC/ST District- Sheikhpura

BINITA DEVI W/o Pramod Kumar R/o village- Rampur Sindai, P.S.-
Barbigaha, District- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.
Mr. Ajeet Kumar, Advocate
Mr. Dinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

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 for **anticipatory bail** vide
order dated 18.01.2022 in A.B.P. No. 19 of 2022 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Sheikhpura in connection with Sheikhpura
SC/ST P.S. Case No. 46 of 2021 registered for the offences
punishable under Sections 341, 323, 406, 419, 420, 120B, 504,
506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)
(s) and 3(2)(va) of the SC/ST Act.



Learned counsel for the appellant submits that appellant is a person with clean antecedent and is a woman and the informant alleges that he gave Rs. 5,00,000/- to Pramod on 27.03.2020 and Rs. 70,0047/- to Vishal on 07.09.2020 for purchasing two Katthas of land of Pramod, further the amount was paid through cheque, it is next alleged that on 17.03.2021 when he requested Pramod to execute sale deed, he said that the documents relating to the land has been kept by his wife (petitioner) at her parental home and once he receives the documents then the registration of land would be done, thereafter on 18.03.2021 a legal notice was sent by Pramod to the wife of the informant in which there is reference of an agreement for sale, on which the informant became perturbed and went to the house of Pramod, there he came to know that Pramod with a view to grab his wife's land and the money has falsely referred about forged agreement for sale, further alleges that Pramod was Pairvikar of his son in a case for which he had obtained the signature of his illiterate wife on a non judicial stamp paper and based on her signature prepared a forged agreement for sale, further the legal notice was replied by his wife on which Pramod replied that Rs. 12,00,000/- was returned to him which he had given as loan for purchasing a vehicle, next



alleges that when he went to the house of Pramod, the accused persons abused him by taking caste name.

Learned counsel for the appellant submits that appellant has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the F.I.R., it would manifest that the dispute was between the informant and Pramod in which his wife also has been roped in, it is further submitted that even allegation of abuse is not specific rather the allegation is general and omnibus in nature and the occurrence even presumed to be true had taken place at the house of Pramod and thus was not in public view. It is further submitted that the nature of dispute is completely civil for which instituting a criminal case is nothing but an abuse of the process of the Court. It is also submitted that if the informant is aggrieved by the conduct of Pramod then he has remedies available in law.

Learned Spl. P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but are not able to meet the submission of the learned counsel for the appellant that the occurrence was not in public view and there is no specific allegation against this petitioner of hurling abuse and the allegations are general and omnibus in



nature.

In view of the submissions made by the learned counsel for the appellant, the order dated 18.01.2022 in A.B.P. No. 19 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No. 46 of 2021 is hereby set aside and the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sheikhpura SC/ST P.S. Case No. 46 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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