

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1361 of 2022**

Arising Out of PS. Case No.-14 Year-2021 Thana- SC/ST District- Sitamarhi

PRAMILA DEVI W/o Naresh Rai Resident of Village - Mahuawan, P.s.-
Bathnaha, Distt.- Sitamarhi (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Rajesh Das Resident of Village - Mahuawan, P.s.-
Bathnaha, Distt.- Sitamarhi (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-06-2022 Heard learned counsel for the appellant and learned
A.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 24.02.2022 in ABP No. 2611 of 2021/243 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 14 of 2021 registered under Sections 341, 323, 447, 354, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3 (i) (r) (s) (w) (i) and 3(2) (va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant is a lady and is a person with clean antecedent and the informant alleges that three brothers of her father-in-law had constructed their residential house on their ancestral land and are residing there, further on 13.03.2021 at 8:00 am, her villagers Naresh Rai, Rampravesh Rai, Pramila Devi (appellant) and Kallu Rai came and damaged her stove and when she objected, all the four accused abused her by calling out her caste name and caught her hair and dragged her to road and assaulted her, it is next alleged that on hearing her scream, her husband Rajesh Das came to rescue her but all the accused assaulted him also, thereafter the villagers came and pacified the matter and saved their life. It is next alleged that Naresh Rai with an intention to outrage her modesty pulled her *saaree* and disrobed and abused her and Rampravesh Rai took away her gold *mangalsutra* of one *bhar* and while leaving, the accused threatened to burn their house and burn them alive next time, it is next alleged that mediation was held but Ram Naresh Rai Rampravesh Rai refused to agree.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted on perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations are general and omnibus in



nature and the occurrence took place within the house of the informant as such it was not in public view as such no offence under the SC/ST Act is attracted, particularly against the present appellant, it is next alleged that since *prima-facie* no offence under the SC/ST Act is attracted against the appellant in the nature of allegation as alleged in the F.I.R., there is no need to issue notice upon the informant.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the appellant.

Considering the submissions made by the learned counsel for the appellant, the appellant above-named, in the event of his 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) each 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 Sitamarhi SC/ST P.S. Case No.14 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

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

