

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2685 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- UCHKAGAON District- Gopalganj

MALTU DEVI W/o Lalbabu Mahto Resident of Nawada Persawni, Mathiya
Tola, P.S.- Uchkagaon, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shashank Kumar Singh, Adv. Mr.Rajesh Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Lokesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-04-2022 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 11.02.2021, passed by learned Additional Sessions Judge-1st-cum SC/ST, Gopalganj, in connection with



Uchkagaon P.S. Case No.137 of 2020, registered under sections 341, 323, 307, 504, 506/34 of the IPC and sections 3(i) (r)/3(2) (va) of the SC/ST (POA) Act.

Allegedly, while the informant along with his father was sleeping in his bathan, 9-10 persons including the appellant armed variously came there, abused in the caste name and assaulted the informant and his father. Due to the said assault, the father of the informant died during course of treatment.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view. There is general and omnibus allegation against the appellant and the F.I.R. has been lodged after a delay of two days. Appellant has no criminal antecedent and several similarly situated co-accused have been granted regular bail by this Court.

Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant, the appellant



named above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum SC/ST Judge, Gopalganj, in connection with Uchkagaon P.S. Case No.137 of 2020, subject to the condition 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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