

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2807 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- RUPASPUR District- Patna

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SMT. HOSHMANTI DEVI @ HOSHMANTI DEVI @ Smt. KOSHMATI DEVI Wife of Late Rameshwar Kewat Resident of Village - Paharpur, Post - Bali Belchi, Police Station - Bena (Dena), District - Nalanda, at Present resident of Sewari Nagar Naharpur, Police station - Rupaspur, District - Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anil Kumar Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 26-04-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A) 2 of the Scheduled Castes and Scheduled Tribes Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19.02.2021, passed by learned Additional District Judge-III-cum- Spl. Judge, SC/ST, Patna, in connection with Rupaspur P.S. Case No.41 of 2021, registered under sections 341, 323, 504, 379/34 of the IPC and sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, the appellant along with other accused persons have abused and assaulted the informant by means of iron rod.

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 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 there is no specific allegation against her to abuse the informant. There is general and omnibus allegation against all the accused persons. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation in the FIR against the appellant to abuse the informant in caste name, as such, offence under the SC/ST Act is made out.

Considering the facts and circumstances of the case, since there is allegation in the FIR that the appellant has abused the informant by taking caste name, I am not inclined to enlarge the appellant on bail. The prayer for grant of anticipatory bail to the appellant named above is rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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