

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1671 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- LAURIA District- West Champaran

RASHMI DEVI Wife of Rajesh Shah Resident of Village - Telpur, Police
Station - Lauriya, District - West Champaran at Bettiah.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Priyanka Devi Ramayan Paswan Resident of Village-Telpur, P.S.-Lauriya,
District-West Champaran at Bettiah

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-08-2022 In view of office notes dated 26.7.2022 to the effect

that respondent no.2 refused to accept notice, let the notice be

accepted as validly served on her.

Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated
14.3.2022 passed by learned Additional Sessions Judge I, cum
Special Judge, SC/ST Act, West Champaran, Bettiah in a case
registered for the offence punishable under Sections 379/34 and
other allied sections of the Indian Penal Code and Section 3 (1)
(r) (s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby anticipatory bail
of the appellant has been rejected.



As per the prosecution case, the appellant and other accused persons assaulted and abused the informant by her caste name and snatched mangalsutra and nose pin.

Learned counsel for the appellant submits that the parties are next door neighbours and the dispute arose on the issue of playing of children on the door. There is general and omnibus allegation against the petitioner who is a lady and no specific overt act has been alleged against her. No offence under the SC/ST Act is made out against the appellant. There is no injury report on the record. It is further submitted that there is delay of 11 days in lodging of the FIR and there is no plausible explanation of delay.

Learned counsel for the state opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 14.3.2022, is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within eight weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge I cum Special Judge, SC/ST Act,
West Champaran, Bettiah in Lauriya Police Station Case No. 26
of 2022.

(Prabhat Kumar Singh, J)

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