

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1794 of 2022

Arising Out of PS. Case No.-5 Year-2014 Thana- SC/ST District- Jehanabad

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SUSHILA DEVI Wife of Lakhan Singh Resident of Village - Khairabigha,
P.S.- Mehandia, District - Arwal.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi Wife of Thag Paswan Resident of Village - Khairabigha, P.S.-
Mehandia, District - Arwal

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-09-2022 Heard learned counsel for the appellant 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 07.05.2022 in A.B.P. No. 647 of 2022 passed by the learned 1st Additional District and Sessions Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 05 of 2014 registered for the offences punishable under Sections 147, 341, 504, 323 and 34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant is a woman with clean antecedent and the informant alleges that on 20.03.2014 at about 6:10 am when she was going to attend nature's call and crossed the platform of Lakhan Singh, the accused appellant started abusing her by calling her caste name and on protest assaulted her, it is next alleged that on hearing alarm her daughter-in-law along with her son and husband came to rescue her then the accused persons assaulted them too by means of *lathi* and fist.

Learned counsel for the appellant submits that from perusal of the allegations as alleged in the FIR it would manifest that no offence under the S.C./S.T. Act is made out, it is also submitted that even presuming what has been alleged is true, without admitting, then also the occurrence did not take place in public view rather when the informant crossed the platform of Lakhan Singh then she was assaulted, abused and when her family members came, they were also assaulted by fists and slaps.

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

In view of the submissions made by the learned counsel for the appellant, the order dated 07.05.2022 in A.B.P.



No. 647 of 2022 passed by the learned 1st Additional District and Sessions Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 05 of 2014 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 in connection with Arwal SC/ST P.S. Case No. 05 of 2014 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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