

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3087 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

Kalawati Devi, W/o Dukhi Sahani, Resident of Village - Rampur Ghat,
Sakrauli, Meghaul, P.S.- Cheria Bariarpur, Distt.- Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Ashok Kumar Mishra, Advocate

For the Respondent : Mr. Sadanand Paswan, Special Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 20-04-2022

The appellant has filed the present appeal under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 03.03.2021 passed by the learned Special Judge, SC/ST (P.O.A.) Act, Begusarai in A.B.A. No.350 of 2021 arising out of Cheria Bariarpur P.S. Case No.40 of 2020 registered under Sections 302/34, 341, 323 and 504 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w) and 3(2)(v) of the Act.

2. The prayer for grant of pre-arrest bail of the appellant was earlier rejected by the learned Special Judge against which, she had filed an appeal under Section 14A(2) of the Act vide Criminal Appeal (SJ) No.1890 of 2020, which was dismissed vide order dated 05.02.2021.



3. A perusal of the first information report would demonstrate that the appellant along with four others abused the informant and her mother by taking their caste name and assaulted them, as a result of which, the mother of the informant died.

4. Apparently, the ingredients of the offences under the Act are attracted in the present case.

5. In that view of the matter, the prayer for grant of pre-arrest bail of the appellant would not be maintainable. Moreover, after the dismissal of the Criminal Appeal (SJ) No.1890 of 2020 by this Court, there is no fresh ground for the appellant on the basis of which she could have renewed her prayer for bail.

6. Accordingly, I see no merit in this appeal. The court below has rightly held that in view of Section 18 of the Act, the application would not be maintainable.

7. The appeal is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
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