

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3430 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- PATLIPUTRA District- Patna

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MALA SINHA Wife of Ajay Kumar Resident of Brahamtola, Brahamsthan
P.O. and P.S.- Nayatola, Muzaffarpur, 842001, Bihar.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Manoj KUMar son of late Bihari Paswan resident of Sri Rampur, P.s.- Sadar,
District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shyamlendra Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-10-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State.

By order dated 17.05.2022, notice was issued to respondent no.2. The office points out that respondent no.2 has appeared by filing Vakalatnama, but today nobody appears on behalf of respondent no.2.

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 of anticipatory bail vide order dated 13.07.2021, passed by learned Special Judge, SC/ST, Patna in connection with Patliputra P.S. Case No.132 of 2021, registered



under Sections 406 and 420 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. There is nothing on record to show that the appellant has abused the informant by naming his caste. It is further submitted that there is general and omnibus allegation against the petitioner. It is submitted that the occurrence took place on 10.02.2016, but the FIR was lodged on 04.03.2021 after delay of five years without giving any explanation which creates a serious doubt on the prosecution case. It is also submitted that the dispute in question is civil/money dispute.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Having considered the fact that there is nothing on record to show that the appellant has abused the informant by naming his caste, let 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 bail on furnishing bail bond of Rs.25,000/- (rupees twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Patliputra P.S. Case No.132 of 2021, subject to the conditions 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)

Sanjay/-

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