

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2471 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- GURUA District- Gaya

NISHEE KUMARI W/O RANDHIR KUMAR SINGH Resident of village-
Jethani, P.O, Jethani, P.S.- Atari, District- Gaya, At present Village- Baheri,
P.S.- Gurua, District- Gaya.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Gajendra Prasad Singh, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.
Mr.Amaresh Kumar Jha, Adv.

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

3 21-09-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Though vakalatnama is filed on behalf of respondent no.2
but when the case is called out, nobody appears on his behalf.

Learned counsel for the appellant is directed to remove
the defects as pointed out by the office, within four weeks. In
the eventuality of non-removal of defects within stipulated
period, the office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act, 1989 (Act No.33 of 1989) (hereinafter in short
referred to as the 'SC/ST Act') against the refusal of prayer for
anticipatory bail vide order dated 15.06.2022, passed by learned



Special Judge, SC/ST Act, Gaya, in connection with Gurua P.S. Case No.08 of 2022, registered under sections 148, 149, 147, 341, 342, 323, 307, 504, 379, 120B of the IPC read with sections 3(i)(r) of the SC/ST Act.

Allegedly, the appellant along with other accused persons is said to have abused the informant by taking his caste name and thereafter assaulted him with iron rod and other objects.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence in the manner, as alleged has ever taken place. Appellant has been falsely implicated in this case with frivolous allegation. It is submitted that similarly situated co-accused namely Champa Kumari has been enlarged on anticipatory bail by this Court vide order dated 04.08.2022 passed in Cr.Appeal (SJ) No.1606/2022. Appellant has no criminal antecedent, as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since similarly situated co-accused has been granted bail, let the appellant named above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail



bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Gaya, in connection with Gurua P.S. Case No.08 of 2022, subject to the condition 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)

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