

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.267 of 2021

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Lakhisarai

SUMAN DEVI W/O Bambam Kumar Resident Of Village - Chewara, P. S. -
Chewara, District - Sheikhpura, At Present R/O Village and P.S.- Halsi,
District - Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmanand Paswan Sri Ramdhan Paswan Railway Colony Kiul, P.S.-Kiul,
Distt-Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ganesh Sharma
For the Respondent/s	:	Mrs.Usha Kumari 1 Mr.Nalin Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 08-03-2022 Heard learned counsel for the appellant, learned counsel
for the informant 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) Amendment Act, 1989 (hereinafter in short referred
to as the 'SC/ST Act') against the refusal of prayer for
anticipatory bail vide order dated 20.10.2020, passed by learned
Additional Sessions Judge- 1st-cum- Spl. Judge, SC/ST Act,
Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case
No.34 of 2019, registered under sections 341, 323, 379, 504 and
506/34 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

The prosecution case, in short is that one Bambam Kumar



has taken Rs.5 Lacs from the informant, for the purpose of an agreement of sale of a land through RTGS mode, in presence of the brother and the appellant (wife of Bambam Kumar) but the said land has not been given to the appellant. It is alleged that the co-accused called the informant in his house and abused him by caste name and also assaulted and threatened him to kill.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is no specific allegation against the appellant rather the allegations are general and omnibus in nature. There is an admitted land dispute between the parties. No offence under the SC/ST Act is made out against the appellant as the occurrence has not taken place in the public view but in the house of the appellant. Learned counsel for the appellant has filed a supplementary affidavit, whereby it is submitted that the appellant has already paid Rs.2,45,000/- in the account of the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since



there is a civil nature of dispute, 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 Additional Sessions Judge- 1st-cum- Spl. Judge(SC/ST Act), Lakhisarai, in connection with Lakhisarai SC/ST P.S. Case No.34 of 2019, 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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