

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4248 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- NAANPUR District- Sitamarhi

RAJIYA KHATOON @ RAJILA KHATOON W/o Md. Safik Shah Resident
of Village - Singhachauri, Fakiertakiya Tola, P.s.- Nanpur, Distt.- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 09.04.2021 passed by learned 1st Additional Sessions Judge/Special Judge (SC/ST Act) Sitamarhi in ABP No. 203/2021/24/2021 whereby the prayer for bail of the appellant in connection with Nanpur P.S. Case no. 138 of 2020 under Section 147, 148, 149, 323, 324, 325, 307, 354, 302 of the Indian Penal Code and sections 3(1)(x)(s)(w)(i)/3(ii)(v) (POA) of SC/ST Act was rejected.

Allegations against the appellant is of abusing by taking her caste name and after catching her hair accused persons pull her down and started to assault her by various weapons and when her family members came there they were



also beaten up by them resulting into various injuries to various persons. Bharat Das has seriously injured in the alleged incident.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR. Some of the accused persons have granted anticipatory bail and the case of the appellant stands on better footing to that of the co-accused. He has not taken the cast name of the informant in public view. He has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against him . The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.04.2021 passed in A.B.P. No. 203/2021/24/2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Nanpur P.S. Case No. 138 of 2020 in the event



of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge/Special Judge (SC/ST Act) Sitamarhi.

(Sunil Kumar Panwar, J)

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