

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3110 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- RAMNAGAR District- West Champaran

1. SANDHYA DEVI Wife of Belash Parit @ Belas Pandit Resident of Village- Bishunpurwa, Police Station - Ram Nagar, District - West Champaran.
2. PRATIMA DEVI Wife of Hiranman Parit Resident of Village - Belwa Done, Police Station - Mainatar, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANGEETA DEVI wife of Brajesh gond Resident of Village - Chargarhwa, Police Station - Ram Nagar, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 14-12-2022 Heard learned counsel for the appellants 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) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 27.07.2022 in A.B.P. No. 2068 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 72 of 2021 registered for the offences punishable under Sections 341, 323, 504, 506, 379 and 34 of the Indian Penal Code as well as Sections 3(i)(r) of the



SC/ST Act.

Learned counsel for the appellants seeks permission to make rectification in para 1 of the appeal.

Permission is accorded.

Learned counsel for the appellants submits that appellants are persons with clean antecedent and are women and the informant alleges that on account of dispute relating to draining of waste water on his land, Ramnath abused and assaulted her husband by lathi causing injury on right arm, further accused persons including the appellants came and assaulted her husband by fist and leg, Ramnath assaulted her father-in-law and Sandhya snatched her nose pin.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that police after investigation submitted Final Form No. 216 of 2021 dated 05.05.2021 in favour of the appellants and the learned Trial Court differing with the police report took cognizance of the offence against the appellants, It is next submitted that when one Investigating Agency has found the appellants to be innocent then sending them to jail merely because the learned trial court has taken cognizance based on the same investigation would amount to travesty of justice for



the present.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

In view of the submissions made by the learned counsel for the appellants, the order dated 27.07.2022 in A.B.P. No. 2068 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 72 of 2021 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ramnagar P.S. Case No. 72 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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