

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4308 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- AMDABAD District- Katihar

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1. NAMITA DEVI W/o Dhiren Pal R/o- Bairiya, P.S.- Amdabad, District-Katihar
 2. Sushila Devi W/o Bhikhan Pal R/o- Bairiya, P.S.- Amdabad, District-Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 21-09-2022 Heard learned counsel for the parties.

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 25.08.2021 in A.B.P. No. 41 of 2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Amdabad P.S. Case No. 70 of 2021 registered under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(s)(r) and 3(2) of the SC/ST Act.

Learned counsel submits that appellants have antecedent of one case and are women.



The informant alleges that the accused persons including the appellants intercepted the informant and abused him by his caste name while he was strolling near his house and Dhiran Pal threatened him to withdraw the case lodged against him, on which the informant protested. When the son of the informant came to save him he was assaulted by sword on head by Dhiren Pal causing injury. Potal Pal assaulted Goli Rajak by Hasua causing injury on the head and Kargil Pal stabbed Goli Rajam from behind.

Learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant specifically has not alleged that who are the accused persons who assaulted the injured. It is next submitted that as far as the present appellants are concerned, the allegation against them are general and omnibus in nature. It is also submitted that no offence under the SC/ST Act as far as these appellants are concerned is made out.

Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court



below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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