

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4572 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

RAKHI KUMARI D/o Umesh Yadav Resident of Village - Rampur Nima,
P.S.- Rajauli, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arvind Singh Barho Singh Resident of Village-Rampur(Nima Road)P.S.-
Rajauli, District-Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

- 3 13-04-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Vide order dated
03.02.2022, notice was issued to respondent No.2 but, in spite
of valid service of notice, there is no representation on his
behalf.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 13.09.2021, passed by
learned Additional District & Sessions Judge -1st cum- Special
Judge (SC/ST Prevention Act), in connection with Rajauli P.S.
Case No.223 of 2020, Special Case No.114/2020, registered



under sections 147, 341, 323, 307, 302 of the IPC and section 3(ii)(v) of the SC/ST Act.

Allegedly, all the FIR named accused persons including the appellant surrounded the brother of the informant and assaulted him. On alarm, when the informant's side came for rescue, they were also assaulted by the accused persons.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no eye witness to the alleged occurrence. The specific allegation is against one Brij Nandan Yadav, who has already been granted bail vide order dated 25.03.2021 passed in Cr. Appeal (SJ) No.754 of 2021 by a co-ordinate Bench of this Court. Several other similarly situated co-accused persons have also been granted bail by co-ordinate Benches of this Court. The appellant has been languishing in custody since 04.09.2021 and has no criminal antecedent.

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

In the facts and circumstance of the case, since similarly situated co-accused have been granted bail, the above named appellant 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 District & Sessions Judge -1st cum- Special Judge (SC/ST Prevention Act), Nawada, in connection with Rajauli P.S. Case No.223 of 2020, Special Case No.114/2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, her bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make herself



available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of her local area in the first week of each month till the disposal of the present case.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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