

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5800 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- SC/ST District- Banka

REKHA DEVI @ MEERA DEVI W/o Anil Sah Resident of Village- Bharko,
P.S.- Amarpur, District- Banka. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Karn

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2022 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 25.04.2019 passed by learned 1st Additional
Sessions Judge, Banka in connection with Banka SC/ST P.S.
Case No.40 of 2018 registered under Sections 147, 323, 341,
452, 354, 354-B, 327, 504 & 506 of the Indian Penal Code and
Section 3 (iii) (iv) (v) (vii) (x) (xi) (xiv) (x) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with 11 other named accused
persons were getting the land of the informant dug with the help
of the labourers and on the protest made by the informant, all



the accused persons slated her in the name of caste and on forbidding them all the accused persons surrounded her and assaulted by means of slaps slating her in the name of caste. On lodging the case by the informant regarding the said occurrence all the accused persons intruding into the house in the night slated in the name of caste and different accused persons assaulted family members of the informant and misbehaved with the woman folk and tore her attire.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, wife of co-accused Madan Sah, namely, Gouri Devi had lodged Amarpur P.S. Case No.409 of 2018 against the informant, her husband and for another persons, preceding to the case under hand, and to save skin from the said case this false and frivolous case has been lodged against the appellant and others. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. There is abnormal and inordinate delay of one month and three days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Similarly situated co-accused, namely, Gouri Devi has been enlarged on anticipatory bail by a co-ordinate Bench of this



Court vide order dated 07.11.2019 passed in Cr. Appeal (SJ) No.3034 of 2019. Appellant happens to be lady and has no criminal antecedent.

As prima facie no offence under SC/ST Act is made out against the appellant, hence there is no requirement of issuing notice to the informant.

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

In the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Banka in connection with Banka SC/ST P.S. Case No.40 of 2018, 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)

Trivedi/-

U		T	
---	--	---	--

