

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.359 of 2023**

Arising Out of PS. Case No.-15 Year-2022 Thana- SC/ST District- Patna

ARTI DEVI Wife of Munna Ray R/o Ramjichak, Bataganj, P.S- Digha, Dist- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Deepak Kumar Sinha
For the Respondent/s	:	Mr. Binay Krishna Mr. Ram Sumiran Rai

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

4 06-12-2023

Re.: I.A. No.1 of 2023

Appellant has filed the aforesaid interlocutory application for condoning the delay in preferring this appeal.

2. Heard learned counsel for the appellant and learned Special PP for the State assisted by learned counsel for the informant on the aforesaid I.A.

3. Finding the ground taken by the appellant in the aforesaid I.A. for condonation of delay made in preferring this appeal is sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is accordingly allowed.

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4. Heard learned counsel for the appellant and learned Special



Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

5. 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 11.08.2022 passed by learned Special Judge (SC/ST Act), Patna in connection with SC/ST P.S. Case No. 15/2022 registered under Sections 341, 323, 354B, 447, 448, 504 & 506/34 of the Indian Penal Code and Section 3(1) (b) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. Appellant in association of other co-accused is said to have entered into the house of the informant slated her by taking caste and name and also assaulted her. The reason behind the dispute is said to be of throwing garbage in the campus of the informant.

7. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. Slating the informant in the name of caste is said to have been made in the house of the informant and not in public view,



hence no offence under SC/ST Act is made out against the appellant. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Both the parties are neighbours and on a petty dispute the aforesaid occurrence took place. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

8. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

9. In the facts and circumstances of the case, the above named appellant, in the event of his 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 Special Judge (SC/ST Act), Patna in connection with SC/ST P.S. Case No.15/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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