

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.789 of 2023**

Arising Out of PS. Case No.-292 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. GITA DEVI W/O YAGYANAND TIWARY R/v- Vabhnauli, P.S.- Govindganj, District- East Champaran
 2. PRIYANSHU KUMARI D/O YAGYANAND TIWARY R/v- Vabhnauli, P.S.- Govindganj, District- East Champaran
 3. RAGNI DEVI W/O MANISH MISHRA R/v- Bariyariya, P.S.- Sangrampur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. KANCHAN BHASKAR S/O NOT KNOWN P.S.I.-Cum- Incharge of Areraj O.P., P.S.- Govindganj, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Rashmi Jha Mr. Abhishek Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

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

2 09-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned counsel for the appellants submits that notice is not required to be issued in the present case because the FIR has been lodged by a police officer.

3. 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



06.01.2023 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Govindganj (Areraj) P.S. Case No.292 of 2022, registered under Sections 307, 332, 333, 353, 354, 354B, 427 and other allied Sections of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 3(i) of Prevention of Damage to Public Property Act.

4. As per the FIR, the when the informant along with other police officials went to conduct raid in the house of the accused persons, the appellants and other accused persons protested and attacked on them. It is also alleged that the appellants abused the informant by taking caste name.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. The appellants are ladies and there is no specific overt act against them. There is no injury report available on record to substantiate and corroborate the allegation of assault against the appellants. Appellant no.1 has one criminal antecedent whereas appellant nos.2 and 3 has no criminal antecedent as mentioned in para-3 of memo of



appeal.

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

7. In the facts and circumstances of the case as there is no specific overt act against the appellants, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran at Motihari in connection with Govindganj (Areraj) P.S. Case No.292 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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