

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.884 of 2022**

Arising Out of PS. Case No.-34 Year-2019 Thana- SC/ST District- Patna

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Anita Kumari W/o Abdesb Prasad Resident of Village - Guaru, P.s.- Islampur,
Distt.- Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pusplata Murmu Wife of Sri Kamal Tuddu Resident of village-Karma
tand,P.O-Bamdah,P.S-Chandra Mandi,District-Jamui

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sabal Kumar Jha
For the Respondent/s : Ms.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

7 26-04-2023 It is submitted on behalf of appellant that jointness

petition has been filed today stating therein that notice received

by one Muri Tudu who is family member of respondent no. 2

and they are living together in the same house.

In view of the aforesaid fact, the notice be treated as

validly served.

Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf

of the appellant for grant of anticipatory bail against the order

dated 09.02.2022 passed by learned Special Judge (SC/ST Act),

Patna in connection with SC/ST P.S. Case No. 34 of 2019 under



Sections 341, 323, 354, 504, 34 of the Indian Penal Code and section 3(i)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that while the informant was going to participate in General Meeting of Land Development Bank at Taramandal Budha Marg where some of the bank officials were abusing the elected member and when informant reached there co-accused Raj Kumar pushed her and abused her by caste name. Other persons also assaulted her.

It is submitted on behalf of the appellants that altogether 11 persons are named in the FIR and 10-12 private staffs. Specific accusation of commission of assault and abuse by caste name is against co-accused Raj Kumar. There is general and omnibus allegation against all the accused persons. No specific overt act has been alleged against this appellant. The alleged occurrence has not taken place within the public view and as such, no case under SC/ST Act is made out. Similarly situated co-accused person Sharda Kumari has been granted bail by this court vide Cr. APP (SJ) No. 1256 of 2020 (Annexure-2). Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 09.02.2022 passed by learned Special Judge (SC/ST Act), Patna, is set aside.

Let the appellant above-named, in the event of her arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten 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. 34 of 2019.

(Prabhat Kumar Singh, J)

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