

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2554 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- SC/ST District- Patna

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PUSPA DEVI WIFE OF SHARMA SAHNI @ SHARMA KUMAR
RESIDENT OF VILLAGE- KAUSHAL NAGAR, PS- HAWAI ADDA,
DISTT- PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAM BACHAN PASWAN SON OF LATE RAM DULAR PASWAN
RESIDENT OF VILLAGE- KAUSHAL NAGAR, PS- HAWAI ADDA,
DISTT- PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-08-2023 Despite valid service of notice, nobody appears on
behalf of the respondent No. 2.

2. Heard learned counsel appearing on behalf of
appellant and Spl.P.P.

3. This appeal has been against the order dated
05.04.2023 passed by learned Special Judge, SC/ST Patna in
connection with SC/ST Patna P.S. Case No. 46 of 2022,
registered under Sections 447, 448, 341, 323, 337, 504, 506/34
of the Indian Penal Code and Section 3(1)(r)(s) Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of appellant has been
rejected.



4. As per F.I.R., on 30.10.2022 at about 11:00 AM, while the informant came at his house on a tractor, one motorcycle was parked in front of his house which he shifted and brought the tractor inside his house. It is alleged that on the same day, at about 11:30 AM, all the accused persons including this appellant came at the house of the informant and abused by caste name and when the informant objected, all the accused persons assaulted the informant and his family members with brick.

5. It is submitted on behalf of appellant that due to parking of the motorcycle, scuffle took place between the parties. Allegation of assault with brick is general and omnibus. There is no injury report on record. The alleged incident did not take place within the public view and as such no offence under Section 3(1)(r)(s) of SC/ST Act is made. Appellant has got clean antecedent.

6. Learned Spl. Public Prosecutor for State opposes the bail application.

7. Considering the backdrop in which alleged altercation took place coupled with the fact that appellant has got clean antecedent, let the appellant, as named above, in the event of her arrest/surrender within a period of six weeks from



today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST Act, Patna in connection with SC/ST Patna P.S. Case No. 46 of 2022.

8. Accordingly, the impugned order dated 05.04.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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