

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2791 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- BALIYA District- Begusarai

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AASHA KUMARI Wife of Rajdeo @ Rajdeo Yadav @ Debu Mistiri Resident
of village - Ahiyari, P.S. - Kamtaul, Distt. - Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Narayan Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the informant	:	Mr. Sarvottam Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellant, learned counsel
for the informant and learned Spl.P.P. for the State.

2. This is an appeal under section 14A(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 for anticipatory bail vide order dated
28.03.2023, passed by learned Exclusive Special Judge SC and
ST (Prevention of Atrocities) Act, in connection with Ballia P.S.
Case No.70 of 2023, G.R. No.31/2023, registered under sections
302/120(B) of the IPC and sections 3(2)(v) of SC/ST Act.

3. As per the F.I.R., the appellant and her husband with the
help of some criminals under a conspiracy committed the
murder of the son of the informant by wrapping rope around his



neck as he used to demand his dues salary from the appellant's husband.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific overt act against the appellant to abuse the informant by taking caste name. It is further submitted that there is no eye-witness in the present case and merely on suspicion, the appellant has been made an accused. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail but fairly submitted that in the entire case diary, there is no specific overt act against the appellant and there is no eye-witness of the alleged occurrence.

6. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Exclusive Special Judge SC and ST (Prevention of Atrocities)
Act, in connection with Ballia P.S. Case No.70 of 2023, G.R.
No.31/2023, subject to the condition as laid down under section
438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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