

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2399 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- SC/ST District- Samastipur

NAVINTA KUMARI W/O VIVEK RAI Resident of village- Jainagar, P.S.-
Barauni, District- Begusarai at present GNM, Sadar Hospital, Samastipur,
P.S.- Samastipur Town, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. GIRISH KUMAR, Dy. Superintendent, Sadar Hospital, Samastipur,
District- Samastipur S/O Late Ganesh Safi, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Samrendra Kumar Jha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 01-12-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. 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 for anticipatory bail of the appellant vide
order dated 30.06.2022 passed by the learned Special Judge, SC/ST
(PoA) Act, Samastipur in connection with A.B.P. No. 1771 of 2022
arising out of SC/ST P.S. Case No. 37 of 2022 dated 24.05.2022
registered for the alleged offences under Sections 341, 323, 353 and
504 read with section 34 of the Indian Penal Code and Sections 3(i)
(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



3. As per prosecution case, when the informant was at his chambers alongwith his H.M.(Hospital Manager) and performing their duties, the appellant entered the chamber of the informant and started abusing him by calling his caste name. The informant has further alleged that he has not marked her absent and told her to give reply of show cause and further left the chamber but the appellant followed her and threatened him that she would get him removed from his post and further called the member of her association and stopped the hospital work for four hours. The informant further alleged that the dispute arose for the roster of duty.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that the show cause was issued to the appellant by O.P. No. 2 which was replied by the appellant properly where she submitted her reason for absence from training. Learned counsel has further submitted that the occurrence took place in the personnel chamber of O.P. No. 2 and no member of public was present at the relevant point of time of the alleged incident. Hence, no offence is made out against the appellant under the provisions of SC/ST (PoA) Act. The appellant is a lady and she has no criminal antecedent.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the



case as well as the fact that no case is made out against the appellant, the impugned order dated 30.06.2022 passed by the learned Special Judge, SC/ST (PoA) Act, Samastipur in connection with A.B.P. No. 1771 of 2022 arising out of SC/ST P.S. Case No. 37 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (PoA) Act, Samastipur in connection with A.B.P. No. 1771 of 2022 arising out of SC/ST P.S. Case No. 37 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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