

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3074 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- BHELDI District- Saran

MOTI DEVI @ MATI DEVI WIFE OF AMAR KUMAR MANJHI
RESIDENT OF VILLAGE- KOREA, PS- BHELDI, DISTRICT- SARAN AT
CHAPRA (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. RAM LAL MANJHI SON OF LATE SHANKAR MANJHI RESIDENT OF
VILLAGE- KOREA, PS- BHELDI, DISTRICT- SARAN AT CHAPRA
(BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, informant was
informed about his appearance in this appeal by the learned
Spl.P.P. for the State but nobody appears on his behalf.

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 for anticipatory bail vide order dated
25.05.2023, passed by learned Additional District Judge-III-
cum- SC/ST/MP/MLA Judge, Saran at Chapra, in connection
with Bheldi P.S. Case No.350 of 2022, registered u/s 447, 341,



323, 324, 354(B), 379, 504, 506, 34 of the IPC and sections 3(i)(r)(s)(w)/3(ii)(va) of the SC and ST Act and section 7 of the Protection of Children from Sexual Offences Act.

4. As per the F.I.R. the niece of the informant complained before the informant that one Kamlesh Kumar outraged her modesty. Thereafter, the informant went to the house of Kamlesh Kumar, where he started abusing the informant and informant returned home. Thereafter, the appellant and other accused persons armed variously came at the door of the informant and abused the informant by caste name and they assaulted the informant.

5. 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 has 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 the occurrence has taken place at the door of the informant and not in a public view. There is no specific allegation against the appellant and the specific allegation is upon the co-accused Kamlesh Kumar, who assaulted the informant by means of Dab on his head. There is no allegation against the appellant specifically to abuse the



informant or his family by caste name. Appellant has no criminal antecedent.

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

7. Considering the facts and circumstances of the case, since there is no specific overt act against the appellant, let the appellant named above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, 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 Additional District Judge-III-cum-SC/ST/MP/MLA Judge, Saran at Chapra, in connection with Bheldi P.S. Case No.350 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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