

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3057 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- FATEHPUR District- Gaya

SALONI KUMARI D/o Upendra Singh Resident of village - Itwan, P.S. -
Fatehpur, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Tuntun Paswan S/O Hemraj Paswan R/o Village-Itwan, P.S.-Fatehpur, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Rina Sinha, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. The notice has validly been served upon the respondent no.2, 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 of anticipatory bail vide order dated 30.05.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 37 of 2023 registered under Sections 341, 323, 308, 504, 506, 379, 34 of the Indian Penal Code and Section 3(i) (r) (s) of the Sched-



uled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, due to previous enmity, all the accused persons including the petitioner came at the informant's house and started abusing. They also assaulted the informant's side with deadly weapons.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against accused Parshuram Singh. There is inordinate delay of 36 days in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is totally false and based on concocted facts. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.



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

7. Considering the facts and circumstances of the case, as there is no specific allegation of slating the informant by taking his caste name against the appellant and there is delay in lodging the present case, the above named appellant, 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No. 37 of 2023, 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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