

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3389 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- MASAUDHI District- Patna

RAKHI KUMARI @ SHARMA D/o Prem Kumar @ Prem Sharma Resident
of village - Abdulla Nagar, P.s. - Masaurhi, Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manoj Kumar Singh Son of Late R.P. Singh, A.S.I. R/o Masaurhi, P.S. -
Masaurhi, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sharma
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The informant of this case is a police personnel, who is
represented by the learned Special Public Prosecutor for the
State.

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 15.06.2023 passed by learned Exclusive
Special Judge (SC/ST Act), Patna in connection with Masaurhi
P.S. Case No.761 of 2022, registered under Sections 341, 323,
504, 353, 332, 334/34 of the Indian Penal Code and Section 3(1)



(r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellant and other co-accused persons misbehaved with the police personnel and assaulted them and also abused one of the police party by taking his caste name.

5. It is submitted by learned counsel for the appellant that 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. There is no allegation against the appellant to abuse the informant by taking his caste name. There is no specific overt act against the appellant. He further submits that similarly situated co-accused has been granted bail by this Bench vide order dated 01.11.2023 passed in Cr. Misc. No.3497 of 2023. 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. In the facts and circumstances of the case, let the above named appellant, in the event of his 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), Patna in connection with Masaurhi P.S. Case No.761 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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