

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3390 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- SC/ST District- Vaishali

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SHAHZADI BEGUM WIFE OF MD. NASIR HUSSAIN R/O AND P.O.-
BAJITPUR CHAK KASTURI, P.S.-DESARI (SAHDEI O.P), DISTT.-
VAISHALI

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satya Prakash Sinha, Adv.

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

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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. In view of order dated 04.10.2023, learned Spl.P.P. for the
State informed the informant about her appearance in this case
but nobody appears on her behalf.

3. This is an appeal under section 14A (ii) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
07.06.2023, passed by learned Special Judge SC/ST, Vaishali at
Hajipur, in connection with SC/ST P.S. Case No.09 of 2023,
registered under sections 147/ 323/ 341/ 354(B)/ 385/ 379/ 447/
504/ 506 of the IPC and sections 3(i)(r)/3(1)(s)/3(i)(w)(i)(ii)/



3(2)(va) of the SC and ST Act.

4. As per the prosecution case, the F.I.R. named accused persons including the appellants came at the property of the informant and forcibly started constructing a boundary and on protest, they thrashed her on the ground and assaulted with lathi, danda, bricks and stone. Thereafter, the appellant assaulted the daughter-in-law of 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 in the manner 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 is not said to have taken place in the public view. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injury, which have been found to be of simple in nature, which is clear from the injury report enclosed in the case diary. There is no specific allegation against the appellant to abuse the informant by taking caste name. Appellant has no criminal antecedent.

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



7. Considering the facts and circumstances of the case and that both sides have sustained simple injury, 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, 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 learned Special Judge SC/ST, Vaishali at Hajipur, in connection with SC/ST P.S. Case No.09 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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