

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3273 of 2022**

Arising Out of PS. Case No.-305 Year-2022 Thana- GARKHA District- Saran

GUNJA DEVI Wife of Satrudhan Rai Resident of village - Mubarakpur, P.s.-
Garkha, District - Saran, Chhapra.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sonu Kumar Son of Amjit Majha Resident of village - Mubarakpur, P.s.-
Garwa, District - Saran, Chhapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Informant	:	Mr. Krishna Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Usha Kumari I, Spl. PP

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

ORAL ORDER

4 08-12-2023 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 21.07.2022 passed by the learned Additional
Sessions Judge 3rd Cum- Special Judge, SC/ST Act, Saran in
A.B.P. No. 2279/2022 in connection with SC/ST Garkha P.S.
Case No. 305 of 2022 dated 17.05.2022 registered for the offence/s
punishable u/ss 341, 323, 504, 307, 384 read with section 34 of the
Indian Penal Code and sections 3(i)(r)(s), 2(v) of the SC/ST



(POA) Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have abused the informant by calling his caste name and demanded ransom of Rs. 50,000/-. The co-accused persons Jitendra Rai and Deepak Rai assaulted the informant and his family members.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. The appellant is a lady. Learned counsel has further submitted that the specific caste name was not disclosed by anyone at the time alleged occurrence. The said word is not laced with the casteist remark. As per FIR, no member of public was present at the relevant point of time of the incident. The occurrence took place at the Darwaja of the informant. Learned counsel has further submitted that no specific caste name has been called by the appellant hence no case is made out under section SC/ST Act. Similarly situated co-accused has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Appeal (SJ) No. 2972 of 2022. The appellant is also accused in one more criminal case as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as



learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 21.07.2022 passed by the learned Additional Sessions Judge 3rd Cum- Special Judge, SC/ST Act, Saran in A.B.P. No. 2279 in connection with SC/ST Garkha P.S. Case No. 305 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, 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 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 Additional Sessions Judge 3rd Cum- Special Judge, SC/ST Act, Saran in A.B.P. No. 2279 in connection with SC/ST Garkha P.S. Case No. 305 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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