

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3363 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- CHIRAIYA District- East Champaran

Sabrun Nesha @ Sabuniya Khatoon Wife of Rahmat Miyan Resident of
Village- Sagardina Semra, P.S.- Chiraiya, District- East Champaran
... .. Appellant

Versus

1. The State of Bihar
2. Mamta Devi Wife of Jagan Paswan R/O Village- Sagardina, P.S.- Chiraiya,
District- East Champaran
... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. Public Prosecutor
for opposite party no.2	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 19-07-2023 Heard learned counsel for the appellant, the State and
the respondent no.2.

2. This appeal has been filed for setting aside order dated 1.8.2022, passed in a case registered for the offence punishable under sections and other allied sections 379/448/504/506/34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the accused persons including this appellant abused respondent no.2 by caste name and also assaulted her.

4. Learned counsel appearing for the appellant submits that the parties are neighbourers and due to land dispute, present false case has been lodged against the appellant who is a lady. Incident did not take place within public view, as such, no case under SC/ST Act is made out. Appellant claims



clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, Motihari, East Champaran in Chiraiya Police Station Case No. 179 of 2022.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

