

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4665 of 2021**

Arising Out of PS. Case No.-43 Year-2021 Thana- SC/ST District- Saran

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MINA DEVI @ MEENA DWIVEDI W/o RANJIT KUMAR DWIVEDI
Resident of Village- Molnapur, P.S.- Bheldi, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar Ram Son of Chullahi Ram Resident of Village- Molnapur,
P.S.- Bheldi, District- Saran Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhijeet Gautam
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 04-01-2023 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

In view of order dated 25.07.2022, notice was issued
upon respondent no.2 but as per office notes, respondent no.2
refused to accept the notice.

Accordingly, notice is hereby considered to be validly
served and that despite valid service of notice, nobody appears
on behalf of respondent no.2.

This is an appeal under section 14A 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 for anticipatory bail vide order dated



29.10.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Saran at Chapra, in connection with Saran SC/ST P.S. Case No.43 of 2021, registered u/s 147, 149, 341, 323, 324, 307, 504 of the IPC, later on section 302 of the IPC was added and sections 3(i)(r)(s) of the SC/ST (POA) Act.

Allegedly, the FIR named accused persons including the appellant indiscriminately assaulted the informant's side. The appellant assaulted by means of lathi to Vivek Kumar Ram, due to which he sustained injury.

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 there is no specific overt act against her to have abused the informant. It is further submitted that the similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.3771 of 2021 dated 31.08.2022. Appellant has no criminal antecedent.

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

Considering the facts and circumstances of the case, since



several similarly situated co-accused have been granted bail, let 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Saran SC/ST P.S. Case No.43 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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