

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4818 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- PATNA CITY CHOWK District- Patna

1. RAJU RAI @ NANNI RAI Sri Jagdish Rai R/o Lal Imli, Bartal, P.S.- Chowk, District- Patna.
2. Raj Kumar Rai S/o Sri Jagdish Rai R/o Lal Imli, Bartal, P.S.- Chowk, District- Patna.
3. Gita Devi W/o Raj Kumar Rai R/o Lal Imli, Bartal, P.S.- Chowk, District- Patna.
4. Radha Devi W/o Kanhai Rai R/o Lal Imli, Bartal, P.S.- Chowk, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Goku Choudhary R/o vill- Lal Imli Bartal P.S.- Chowk Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Deo, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order of this Court, notice was issued upon respondent no.2 which was received by her brother. In this regard, learned counsel for the appellants has filed a jointness petition, stating at para-4 that respondent no.2 is in jointness with her brother.

Considering the same, the notice is hereby deemed to be



validly served upon respondent no.2 but nobody has entered appearance on her behalf.

At the outset, learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant nos.1, 2 and 3, as during pendency of this appeal, they have surrendered before the learned court below and have been granted regular bail.

Considering the same, the memo of appeal with regard to appellant nos.1, 2 and 3 is hereby dismissed as withdrawn.

Now, this appeal is being heard on behalf of appellant no.4 only.

This is an appeal under section 14 A (2) 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 27.07.2021, passed by learned Special Judge, SC/ST Act, Patna, in connection with Chowk P.S. Case No.09 of 2020, registered u/s 448, 341, 323, 326, 354(B), 504, 506, 427 and 34 of the IPC and section 3(i)(x) of the SC/ST Act.

Allegedly, all the F.I.R. named accused persons including the appellant entered into the house of informant and abused her by taking caste name.



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. She 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 slating the informant's side in the name of caste has not taken place in the public view rather the same is said to have taken place in the house of informant. There is general and omnibus allegation against all the accused persons. Appellant has one criminal antecedent and similarly situated co-accused namely Bidur Kumar @ Bidur Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.914 of 2022.

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

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant no.4, let the appellant no.4 named above, in the event of her 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/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna, in connection with Chowk P.S. Case



No.09 of 2020, 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 partly allowed.

(Anjani Kumar Sharan, J)

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