

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4002 of 2022**

Arising Out of PS. Case No.-104 Year-2022 Thana- GURUA District- Gaya

GAYA DEVI Wife of Baburam Yadav R/V- Baniya, P.S- Gurua, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Shivnandan Vishwakarma R/V- Baniya, P.S- Gurua, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kumar Sinha, Adv.
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

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

3 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in compliance of order dated 02.03.2023, he informed the respondent no.2 to plead in the present appeal through her counsel but nobody appears on her behalf.

This is an appeal under Section 14(A)(2) 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 of anticipatory bail vide order dated 06.08.2022 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Gurua P.S. Case No. 104 of 2022 registered under Sections 341, 323, 354(A), 307, 504, 506,



379/34 of the Indian Penal Code and Section 3(i) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that informant namely Mina Devi alleged in her written statement that a meeting was held on 13.04.2022 for sorting out a love affair going between two different communities. Meanwhile, co-accused Satish and other persons started assaulting the informant side. When police party came there to solve the matter, they started pelting stones on them and assaulted them too.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case due to village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has one criminal antecedent as petitioner was made accused in one other case i.e. Gurua P.S. Case No. 105 of 2022, as mentioned in para-3 of this memo of appeal, arisen out of the alleged occurrence and filed by one Raj Kapoor Singh, ASI Gurua.



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

In the facts and circumstances of the case, as there is general and omnibus allegation against the appellant, 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 released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Gurua P.S. Case No. 104 of 2022, 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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