

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4423 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- RASULPUR District- Saran

KISMATI DEVI W/o Hira Sah R/v- Nawada, P.S.- Rasulpur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. SHIV KUMARI DEVI W/o Birendra Ram R/v- Nawada, P.S.- Rasulpur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vijay Kumar Srivastva, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Nalin Vilochan Tiwary, Adv.

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

4 26-07-2023 **Re:- I.A. No.1 of 2023**

This interlocutory application has been filed for condoning the delay of 15 days in filing of this appeal.

2. Considering, the grounds taken in the interlocutory application, the delay in filing of this appeal is hereby condoned.

3. Accordingly, I.A. No.1/2023 is hereby allowed and disposed of.

Re: Criminal Appeal (SJ) No.4423 of 2022

4. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

5. This is an appeal under section 14A(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 18.08.2022, passed by learned 3rd Additional Sessions Judge-cum- Special Judge, SC/ST, Saran at Chapra, in connection with Rasulpur P.S. Case No.95 of 2022, registered u/s 341, 323, 504/34 of the IPC and sections 3(i)(r)(s) of the SC and ST Act.

6. As per the prosecution case, the F.I.R. named accused persons used to abuse the informant by her caste name and on the alleged date, they came with *labada* and again abused her.

7. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged 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 allegation against her to abuse or assault the informant. The specific allegation is against the other co-accused persons. Appellant has no criminal antecedent.

8. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

9. Considering the facts and circumstances of the case, 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 3rd Additional Sessions Judge-cum- Special Judge, SC/ST, Saran at Chapra, in connection with Rasulpur P.S. Case No.95 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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