

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.271 of 2023**

Arising Out of PS. Case No.-14 Year-2022 Thana- KALYANPUR District- Samastipur

BABY SINGH @ SUMAN SINGH @ BABY DEVI @ SUMAN DEVI
WIFE OF LATE ANIL SINGH R/O VILLAGE- CHHOTKHUT,
CHAMTHA, P.S.- BACHHAWARA, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUBHADRA DEVI WIFE OF RAM VRIKSH RAM R/O VILLAGE-
KHARSAND, WARD NO.03, P.S.- KALYANPUR, DISTRICT-
SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Rana Sanjay Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For Respondent No. 2	:	Mr. Deepak Kr. Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 04-07-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 03.12.2022, passed in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, two years ago, all the F.I.R. named accused persons, including this appellant, came to the house of the informant and explained about the benefits of Utkarsh Small Finance Bank Limited, which is situated at Tajpur, Samastipur. It is further alleged that on persuasion of this appellant, along with other co-accused persons, the



informant and others deposited certain amounts in the aforesaid bank. However, it is alleged that this appellant and other co-accused persons fraudulently withdrew the amount from the bank without informing the informant and others.

4. It is submitted on behalf of the appellant that from bare perusal of the F.I.R. it is apparent that it is other named accused persons who are alleged to be involved in the occurrence. This appellant has been made an accused in this case only because he happens to be sister of co-accused Ragini Singh. There is no allegation against this appellant that she persuaded or called any amount from the informant. As per F.I.R., this appellant has not abused the informant and as such, no case under Section 3(1)(r)(s) of the SC/ST (POA) Act is made out against this appellant. Appellant claims clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 03.12.2022 passed by the Court of learned Special Judge, SC/ST (POA) Act, Samastipur, in connection with A.B.P. No. 3745 of



2022 is hereby set aside with respect to this appellant only.

7. Accordingly, 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 learned Special Judge, SC/ST (POA) Act, Samastipur, in connection with A.B.P. No. 3745 of 2022 arising out of Kalyanpur P.S. No. 14 of 2022.

(Prabhat Kumar Singh, J)

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