

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.691 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- JAMUI District- Jamui

1. Shisham Devi W/o Amrit Kumar R/o vill - Daulatpur, P.S. - Jamui, Distt. - Jamui
2. Sunita Devi w/o Madan Mandal R/o vill - Daulatpur, P.S. - Jamui, Distt. - Jamui
3. Sudama Devi W/o Ishwar Mandal R/o vill - Daulatpur, P.S. - Jamui, Distt. - Jamui
4. Bebi Devi W/o Subodh Mandal R/o vill - Daulatpur, P.S. - Jamui, Distt. - Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rabindra Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari-1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024

1. Heard learned counsel for the parties.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.01.2024 in A.B.P. No. 2178 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Jamui in connection with Jamui P.S. Case No. 598 of 2023 registered under Sections 147, 149, 341, 379, 411, 353, 307, 504, 506, 332, 186 of the Indian Penal Code, Section 21 of the MMDR Act, Section 56(2) of the Bihar



Mineral Act, Section 15 of the Forest Act as well as Sections 3(i)(r)(s) and (vi) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are women and are persons with clean antecedent and the informant, who is a police officer, alleges that the police force departed to conduct raid against illegal mining of sand on 08.10.2023 at 09:30 a.m. and when reached village Daulatpur the force saw seven tractors loaded with illegal sand, accordingly, a chase was made when six tractors succeeded in fleeing away along with two motorcyclists. It is further alleged that when the seized vehicles were being brought to the police station 100-200 women and men surrounded the vehicle and started pelting bricks on the raiding party and when extra police force was summoned named accused persons were arrested on the spot and 26 persons including the appellants were identified on the basis of videography and photography.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the present case. It is further submitted that the appellants reside near the place of occurrence as such their picture might have been captured in the videography but then they did not participate in the occurrence. It is next submitted that though the case has been instituted



under the SC/ST Act but then the allegation is not specific that as to who abused the policemen with their caste name. It is also submitted that the appellants will not abscond rather will cooperate in the investigation.

5. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

6. Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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