

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.999 of 2024

Arising Out of PS. Case No.-130 Year-2022 Thana- SHERGHATI District- Gaya

Shaequa Parween @ Shiva Kalim @ Shaeqa Parven D/o Md. Kalim @ Md. Kalimuddin Resident of Village- Kormathu, P.O. Shyam Nagr Nima, P.S.- Sherghati, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajay Kumar Son of Raghunand Paswan Resident of Village- Itawan, P.O. and P.S.- Raushanganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. Learned Spl.P.P. for the State submits that in compliance of the order dated 30.08.2024, he has informed the informant regarding his appearance in this case but nobody has entered appearance on his behalf.

3. This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 08.01.2024, passed by learned Exclusive Special Judge, SC/ST Special Court, Gaya, in connection with Sherghati P.S. Case



No.130 of 2022, registered u/s 304/34 of the IPC and sections 3(i)(r)(s)/3(2)(v-a) of the SC/ST (POA) Act.

4. As per the prosecution case, it is alleged that the named accused persons including the appellant due to their negligence and for earning excess money, have killed the father of the informant and they are also alleged to have abused the informant.

5. 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. 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 there is no specific overt act against her to abuse the informant by caste name rather the allegation of abusing the informant by caste name has been levelled in the F.I.R. against the co-accused Dr. Uday Kumar Yadav. Appellant is neither the doctor nor the manager of the hospital, rather, she was a paying staff of the Hospital. Appellant is a lady and has no criminal antecedent.

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

7. 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 Exclusive Special Judge, SC/ST Special Court, Gaya, in connection with Sherghati P.S. Case No.130 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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