

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1541 of 2024

Arising Out of PS. Case No.-365 Year-2023 Thana- SUGAULI District- East Champaran

Rubi Devi @ Roobi Devi Wife Of Arun Srivastava @ Arun Prasad Resident
Of Village - Sugaw Dih, Police Station - Sugauli, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Anjali Kumari Daughter Of Dharmveer Baitha Resident Of Village - Sugaw Dih, Police Station - Sugauli, District - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manjeet Kumar Mishra, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
13.02.2024 passed by the learned Special Judge SC/ST Act, East
Champaran, Motihari in connection with Sugauli P.S. Case
No.365 of 2023, instituted for the offences under Sections 341,
323, 420, 376, 509, 506 and 34 of the IPC and Section 3(i)(r)(s)
of the SC & ST Act, whereby their prayer for grant of
anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that a
supplementary affidavit has been filed wherein it has been
specifically pleaded that appellant is not related to Shivam



Kumar in any manner, rather the appellant is neighbour of Shivam.

4. It is next submitted that informant alleges that Shivam and the informant developed intimacy and thereafter Shivam established physical relation and when informant asked Shivam to marry her, he refused and abused her by taking caste name, thereafter the informant and her parents went to the house of Shivam on 18.08.2023 to request them for marrying the informant with Shivam, on which the informant and her parents were assaulted and abused by their caste name.

5. The learned counsel submits the appellant has been falsely implicated in the instant case by the informant. It is further submitted appellant is not related to Shivam in any manner, as such there was no occasion for the appellant to assault or ridicule the informant and her family members. It is also submitted that from perusal of the allegation as alleged in the FIR, prima facie no offence under the SC/ST Act is made out as the occurrence is not alleged to have taken place in public view nor it is the case of the informant that any independent witnesses witnessed the occurrence.

6. The learned Special P.P. opposes the appeal.

7. Regard being had to the aforesaid submissions, the



order dated 13.02.2024 is set aside.

8. The appeal stands allowed.

9. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Sugauli P.S. Case No.365 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, the informant would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the appellant, if appellant is related to Shivam in any manner.

(Satyavrat Verma, J)

Prakash Narayan

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