

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1550 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- COMPLAINT CASE District- Araria

Manju Kumari wife of Satindra Kumar Village- Kharkhan, Ward No. 13, P.S.-
Forbesganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi wife of Late Bhujdev Baitha Village- Majhua Gopalpur W.No-
8, Ps- Forbesganj Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Pramod Rajpati, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-06-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 06.02.2024 passed by the Court of learned 1st Additional
Sessions Judge-cum-Special Judge, Araria, in a case wherein
cognizance has been taken for the offence punishable under
sections 341 and 323 of the Indian Penal Code and Section 3(i)
(r) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of the



appellant has been rejected.

4. As per prosecution case, on the alleged date and time of occurrence, in order to grab the land of the complainant, all the F.I.R. named accused persons, including this appellant, were digging the land of the complainant and on protest, they abused her by caste name and assaulted her and also snatched her *Mangal-sutra* worth Rs. 30,000/-.

5. It is submitted by learned counsel appearing on behalf of the appellant that the entire allegations are false and concocted and filed only with a view to extort money and put pressure upon the appellant to settle the land dispute. It is further submitted that appellant is a lady and a teacher in a government school and on the alleged date and time of occurrence, she was not even present at the place of occurrence. Moreover, the allegation of assault is general and omnibus and there is no specific allegation of overt act against this appellant. It is further submitted that it is not the case of the prosecution that there was any member of public at the time of incidence, hence, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State



has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 06.02.2024 passed by the Court of learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in A.B.P. No. 3101 of 2023 is hereby set aside with respect to this appellant only.

8. 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 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with A.B.P. No. 3101 of 2023 arising out of Complaint Case No. 121(C) of 2022.

(Prabhat Kumar Singh, J)

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