

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1703 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- AMAUR District- Purnia

Maya Devi Wife of Ramesh Sharma Resident of village Kapariya Bangama
ward No 8 PS Amour District Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Kumari Wife of Tufanu Sharma Resident of Village- Kapariya, P.S.-
Amour, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Amit Kumar Anand / Mrs. Bharti Kumari
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Respondent 2	:	Dr. Bidhu Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-10-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of Respondent No. 2.

2. This appeal has been filed against the order dated
30.01.2024 passed by learned Special Judge, SC/ST Act, Purnea
in connection with Amour P.S. Case No. 329 of 2023, registered
under Sections 147, 148, 341, 323, 354, 504/379 of the Indian
Penal Code and Sections 3(1)(r)(s), 3(2)(va) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act (for
short “SC/ST Act”), whereby the prayer for anticipatory bail of
appellant and one co-accused has been rejected.

3. As per prosecution case, on 19.08.2023 at about 6



PM, while the informant was tying her cow beside road, all the F.I.R. named accused persons including this appellant, abused informant by caste name and thereafter, assaulted her and when her sister-in-law came to save informant, she was also assaulted by accused persons. It is further alleged that co-accused Ramesh Sharma snatched silver bangle and gold chain from the informant.

4. Learned counsel for the appellant submits that F.I.R. has been lodged after a delay of about two months of the alleged occurrence and there is no plausible explanation of delay. Allegation of abuse and assault is general and omnibus and no specific overt act has been alleged against this appellant. There is case and counter case. Learned counsel for the appellant further submits that F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against appellant. Appellant is lady and has got clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. Considering the aforesaid facts and circumstances as also the fact that appellant is lady and has got



clean antecedent, the impugned order dated 30.01.2024, in respect of this appellant only, is set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of her arrest/surrender within a period of six weeks from today, 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 learned Special Judge, SC/ST Act, Purnea in connection with Amour P.S. Case No. 329 of 2023.

(Prabhat Kumar Singh, J)

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