

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1846 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- BARAHAT District- Banka

Savitri Devi W/o Jai Prakash Mandal @ Prakash Mandal R/o vill - Pathra,
P.S.- Barahat, Distt. - Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Kumari W/o Sanjay Kumar Chaudhary R/o vill - Bikrampur, P.S. -
Asargunj, Distt. - Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 04-10-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. However, none appears
on behalf of the informant despite valid service of notice.

2. The instant appeal has been filed by the appellant
against the order dated 21.02.2024 passed by Additional
Sessions Judge-I-cum Special Judge SC/ST Act, Banka,
whereby the prayer for anticipatory bail of the appellant in
connection with Barahat P.S. Case No. 235 of 2023, under
Sections 420, 406 of the Indian Penal Code and Section 3(i)(r)
(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, husband of the
appellant has taken Rs. 60,000/- from the informant on the false
pretext of getting him employed at Gram Rakshak Dal.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the date of alleged occurrence is about February, 2020-21 but, the FIR was lodged after more than two years and, that too, without any documentary proof of giving money for the purpose of employment. The appellant is a lady. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against her. The appellant has no intention to disgrace the image of the informant in public view. The appellant has no criminal antecedent. Similar co-accused has been regular granted bail by this Court vide order dated 18.04.2024 passed in Cr. Appeal (S.J.) No. 167 of 2024.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 21.02.2024 passed by Additional Sessions Judge-I-cum Special Judge SC/ST Act, Banka, is hereby set aside.



7. Let the appellant, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barahat P.S. Case No. 235 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

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