

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2302 of 2023

Arising Out of PS. Case No.-524 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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PRAMILA DEVI @ PARMILA DEVI Wife of Nirdhan Roy @ Nirdhan Rai
Resident of Village - Jitwarpur Nizamat, Ward Number 7, P.S.- Muffassil
Samastipur, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Devi Wife of Vijay Kumar Rajak Resident of Village - Singhiya
Khurd, P.S.- Muffassil Samastipur, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP. Mr. Pramod Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2024 Heard learned counsels for the parties.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.04.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur Muffassil P.S. Case No. 524 of 2022 registered under Sections 341, 323, 325, 354, 406, 420/34 of the Indian Penal Code and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. The allegation against the appellant is that she has not handed over the possession of the alleged land to the informant after executing the sale deed. It is further alleged that on 14.11.2022 at about 8 A.M., when the informant was at her agricultural land, all the accused persons are said to have come there and started abusing and assaulting her.

4. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no specific allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellant. It is further submitted that the petitioner has already delivered the peaceful possession of the alleged land to the informant and thereafter, the mutation of the land in favour of the informant has been done by the concerned authorities. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel



for the informant opposed the prayer for bail. It is submitted by learned counsel for the informant that during the investigation, it was found that the land in question, which the appellant handed over to the informant, does not belong to her and this is how, she committed cheating on the informant, who belongs to SC/ST category. Hence, the appellant does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as arguments of the parties, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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