

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2345 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- NAWANAGAR District- Buxar

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Vimala Devi Wife of Shivnath Chaudhary @ Shivnath Chaudhari Resident of
Village- Karsar, P.S- Nawangar(Sonversa), Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Tila Devi Wife of Sanjay Ram Resident of Village- Karsar, P,S- Nawangar
(Sonversa), Dist- Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. In compliance of order dated 28.06.2024, learned Spl.PP
for the State informed the informant to appear in the present
case through his counsel or through Spl.PP for the State but
nobody appears on behalf of the informant.

3. 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
27.04.2024 passed by learned Additional Sessions Judge-1, cum
Special Judge SC/ST (POA) Act, Buxar in connection with



Nawanagar (Sonversa) P.S. Case No.184 of 2023, registered under Sections 341, 323, 147, 148, 149, 307, 354(A), 379, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, on account of an old dispute, the appellant along with others abused the informant by taking her caste name and also assaulted the informant's side.

5. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellant is not named in the FIR rather her name transpired in the present case during the course of investigation. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court on 13.12.2023 passed in Cr. APP (SJ) No.3753 of 2023. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.



7. In the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1, cum Special Judge SC/ST (POA) Act, Buxar in connection with Nawanagar (Sonversa) P.S. Case No.184 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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