

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2278 of 2022

Arising Out of PS. Case No.-117 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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AKHTARINA KHATUN W/O JAMSED MIYA Resident of Village-
Mastlipur Musalim Tol, P.S.- Mohiuddinnagar, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. VISHWANATH RAJAK S/O LATE RAMAUTAR RAJAK Resident of
Village- Mastlipur Musalim Tol, P.S.- Mohiuddinnagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-08-2024 Heard learned counsel for the parties. Depsite valid

service of notice , nobody appears on behalf of respondent No.

2.

2. This appeal has been filed for setting aside order
dated 18.06.2022 passed in a case registered for the offence
punishable under sections 147, 148 , 323 , 324, 354, 448 and
379 and other allied sections of the Indian Penal Code and
sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per prosecution case , on 07.06.2021 at about 6:00 P M when informant was throwing garbage on his land, in the meantime , all the F.I.R., named accused persons including these appellants entered the house of informant and caught the hair of wife of informant and assaulted and disrobed her.

4. It is submitted on behalf of appellant that specific accusation of assault is against husband of this appellant. So far as this appellant is concerned, allegation of assault is general and omnibus against her. It is not the case of the prosecution that any member of public was present at the time of incidence , as such, no case under SC/ST Act is made out.

5. Learned Spl. PP counsel for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Special Judge, SC/St Act,



Samastipur in connection with Mohiuddinnagar Police Station
Case No. 117 of 2021 .

(Prabhat Kumar Singh, J)

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