

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2518 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SC/ST District- Nawada

SONMANTI DEVI @ FULVATIYA DEVI WIFE OF SHANKAR
CHAUHAN RESIDENT OF VILLAGE - MADHURAPUR, POLICE
STATION - PAKRIBARAWAN, DISTRICT - NAWADA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BIRENDRA CHAUDHARY SON OF LATE JAGDISH CHAUDHARY
RESIDENT OF VILLAGE AND POLICE STATION - PAKRIBARAWAN,
DISTRICT - NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-06-2024 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 18.04.2024 passed by the learned Exclusive Special Judge (SC/ST) (POA) Act, Nawada in connection with Nawada SC/ST P.S. Case No.06 of 2024, instituted for the offences under Sections 406, 420, 341, 323, 504, 379, 506 and 34 of the IPC and Section 3(i)(r), 3(i)(s), 3(2)(va) SC/ST (POA) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that appellant is a person with clean antecedent and is a women and has been falsely implicated in the instant case by the informant



being wife of Shankar Chaudhary. It is further submitted informant alleges that he had given Rs.6,26,000/- to Shankar Chaudhary for purchasing his land as recorded in the Panchnama dated 02.08.2020, but Shankar Chaudhary after taking the money refused to register the land. Thereafter, it is alleged that appellant along with Binod and Jitendra went to the house of Shankar Chaudhary for requesting him to register the land, but Shankar Chaudhary and his wife Sonmati Devi started abusing them and even assaulted the informant on which his watch fell which was picked by the appellant and Shankar Chaudhary refused to register the land.

4. The learned counsel submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that even presuming what has been alleged is true without admitting then the entire occurrence has taken place inside the house of the appellant, as such the occurrence was not in public view nor was witnessed by any independent witnesses. It is further submitted that the dispute appears to be relating to land and appellant being wife of Shankar Chaudhary came to be implicated with ornamental allegations in order to coerce Shankar Chaudhary into submission.

5. The learned Special P.P. opposes the anticipatory



bail application.

6. Regard being had to the aforesaid submissions, the order dated 18.04.2024 is set aside.

7. The appeal stands allowed.

8. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (SC/ST) (POA) Act, Nawada in connection with Nawada SC/ST P.S. Case No.06 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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