

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2777 of 2024**

Arising Out of PS. Case No.-63 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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NIRMALI KUMARI D/O NANDU KUSHWAHA @ NANDU SINGH R/O
VILLAGE- MAJHIYAON, P.S- BHAGWANPUR, DISTT.- KAIMUR AT
BHABUA.

... .. Appellant/s

Versus

1. The State of Bihar
2. UMARAWATI DEVI W/O KALIKA GOND R/O VILLAGE- AJIYAON,
P.S- BHAGWANPUR, DISTT.- KAIMUR AT BHABUA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raju Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 04-09-2024 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
30.04.2024 passed by the learned Additional Sessions Judge-1,
Kaimur at Bhabhua in connection with Bhagwanpur P.S. Case
No.63 of 2024, instituted for the offences under Sections 341,
323, 354(Kha), 504, 506, 34 of the IPC whereby her prayer for
grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that



from perusal of the allegation as alleged in the FIR, it would manifest that in the nature of allegation as alleged prima facie no offence under the SC/ST Act is made out. It is also submitted that even the FIR was not instituted under the SC/ST Act, but subsequently during the course of investigation relevant sections of the SC/ST Act was added, which amply demonstrates that by way of after thought the said facts were brought during the course of investigation to implicate the appellant falsely. It is also submitted that appellant is a person with clean antecedent and is a women and the allegation against her is that she fought with the informant, but then it is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose the reason for the occurrence. It is also submitted that since prima facie no offence under the SC/ST Act is made out, as such notice is not required.

4. The learned Special P.P. opposes the bail application.

5. Regard being had to the aforesaid submissions, the order dated 30.04.2024 is set aside.

6. The appeal stands allowed.

7. The appellant above named, in the event of her arrest or surrender before the learned court below within a



period of six weeks, is directed to be released on bail on her furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Ist, Bhabhua in connection with Bhagwanpur P.S. Case No.63 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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