

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3258 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- KARANDAY District- Sheikhpura

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| 1. Sugani Devi Wife Of Rajesh Yadav
2. Ganesh Yadav Son Of Ram Khelawan Yadav
Both Resident Of Village- Dhari, Ps- Karandey, Dist- Sheikhpura | Appellant/s |
| Versus | |
| 1. The State Of Bihar
2. Sunil Kumar Choudhary Son Of Videshi Choudhary Village- Dhari, Ps- Karandey, Dist- Sheikhpura | Respondent/s |
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Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 Heard learned counsel for the appellants and the learned
Special Public Prosecutor for the State.

2. The learned counsel for the appellants after some arguments seeks permission to withdraw the present appeal with respect to appellant no.2, Ganesh Yadav.

3. Permission is accorded.

4. Accordingly, the appeal is dismissed as withdrawn as against appellant no.2.

5. The appellant has challenged the order dated 03.07.2024 passed by the learned First Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Karandey P.S. Case No.36 of 2024 instituted for the offences under Sections 147, 149, 341, 323, 324, 325,



307, 427, 451, 504 of the IPC and Section 3(2)(va), 3(1)(r), 3(1)(s) of the SC & ST Act, whereby her prayer for grant of anticipatory bail has been rejected.

6. It is next submitted that appellant is a person with clean antecedent and is a women and from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to flowing of drain the alleged occurrence is said to have taken place and the informant alleges that all the accused persons came and Ganesh assaulted his Bhabhi using by a rod causing fracture of a leg and when informant went to help her Bilash assaulted him on his head causing injury, thereafter, all the accused persons forcibly entered the informant's house and broke the glass windows. The learned counsel submits that even presuming what has been alleged is true without admitting then no specific allegation of assault is alleged against the appellant and the FIR does not even remotely suggests that the occurrence was witnessed by any independent witness and thus was not in public view, hence no offence prima facie under the SC/ST Act is made out.

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

8. Regard being had to the aforesaid submissions, the



order dated 03.07.2024 is set aside.

9. The appeal stands allowed.

10. 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 First Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura in connection with Karandey P.S. Case No.36 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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