

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3405 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- SC/ST District- Munger

=====

USHA DEVI WIFE OF LATE ANIL SAH RESIDENT OF
VILLAGE/MOHALLA CHANDAN BAG, PS- KASIM BAZAR, DIST-
MUNGER

... .. Appellant/s

Versus

1. The State of Bihar
2. ANAMIKA KUMARI DAUGHTER OF KRISHNA SAH GOND
RESIDENT OF VILLAGE/MOHALLA- CHANDAN BAG, PS- KASIM
BAZAR, DISTT- MUNGER

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Kumar Kamal Nayan
For the Respondent/s : Mr.Sadanand Paswan

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-02-2024 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes against the refusal of prayer
for anticipatory bail vide order dated 12.06.2023 passed by the
learned Additional District & Sessions Judge-1, Munger in
connection with A.B.P. No. 933 of 2023, arising out of SC/ST P.S.
Case No. 21 of 2023, registered for the alleged offences under
Section 498A of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. As per the prosecution case, the appellant and the co-
accused persons are alleged to have tortured the informant mentally



and physically due to non- fulfilment of demand of Rs. 5 lacs as dowry.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellant. Since the appellant is a lady and there is no criminal antecedent against the appellant.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellant, the impugned order dated 12.06.2023 passed by the learned Additional District & Sessions Judge-1, Munger in connection with A.B.P. No. 163 of 2023, arising out of Konch P.S. Case No. 628 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of her arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1, Munger in connection with A.B.P. No. 933 of 2023, arising out of SC/ST P.S. Case No. 21 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

U		T	
---	--	---	--

