

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.631 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- SC/ST District- Nalanda

USHA DEVI Wife of Ajit Ram Resident of Village- Jhalar, P.S.- Rajgir, Distt-
Nalanda Bihar. ... Appellant/s

Versus

1. The State of Bihar
2. Ashok Kumar Kailash Chaudhary Village- Jhalar, P.S.- Rajgir, District-
Nalanda ... Respondents.

Appearance :

For the Appellant/s : Mr. Rajiv Nayan, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-10-2024 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

2. Earlier the notice was issued to respondent no.2, which was received by his father. Learned counsel for the appellant has filed a jointness petition stating therein that the notice was received by Kailash Chaudhary, father of the informant and the informant jointly lives with his father in the same house, hence the service of notice upon respondent no.2 be deemed to be valid service.

3. In view of the reasons mentioned in the jointness petition, the service of notice upon respondent no.2 is deemed to be valid service of notice.

4. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.10.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Nalanda in connection with Nalanda SC/ST P.S. Case No. 61 of 2020 registered under Sections 448, 341, 323, 324, 307, 379, 427 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. The appellant along with other co-accused is said to have entered into the house of the informant after breaking open the door and assaulted him by various means due to which he fall unconscious.

6. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. It is further submitted that the specific allegation to give axe blow is attributed against co-accused, Sanjit Ram. Slating the informant in the name of caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellant. There is inordinate delay of two days in lodging the case without assigning any



plausible explanation for the said delay which creates serious doubt about the prosecution case. Appellant is a lady and has no criminal antecedent as mentioned in para-3 of this memo of appeal.

7. Learned Spl. PP for the State opposed the prayer for bail.

8. In the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Nalanda in connection with Nalanda SC/ST P.S. Case No.61 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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