

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3448 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- JAMUI District- Jamui

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Bebi Devi W/o Ashok Mandal @ Ashok Kumar Mandal Resident of Village
Daulatpur, P.S. Jamui, District Jamui

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rabindra Kumar

For the Respondent/s : MS. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 06-09-2024 1. Heard learned counsel for the appellant and learned

Spl. P.P. Ms. Usha Kumari No. 1, for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.05.2024 in A.B.P. No. 645 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Jamui in connection with Jamui P.S. Case No. 598 of 2023 registered for the offences punishable under Sections 147, 149, 341, 379, 411, 353, 307, 504, 506, 332, 186 of the Indian Penal Code as well as Sections 3(1)(r)(s) and (vi) of the SC/ST (P.O.A.) Act.

3. Learned counsel for the appellant submits that the appellant is a woman and is a person with clean antecedent and the informant, who is the police officer, alleges that police force



departed to conduct raid against illegal mining of sand on 08.10.2023 at 9:30 am and when the informant along with the police force reached village Daulatpur, the force saw seven tractors loaded with illegal sand, accordingly, a chase was made when six tractors succeeded in fleeing away from the place of occurrence along with two motorcyclists. It is next alleged that when seized vehicles were being brought to the police station, 100-200 women and men surrounded the vehicle and started pelting bricks in the raiding party and requiring extra police force to be summoned and named accused persons were arrested on the spot and 26 persons including the appellant were identified on the basis of videography and photography.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. It is further submitted that appellant resides near the place of occurrence, as such, her picture might have been captured in the videography, but then, she did not participate in the occurrence. It is also submitted that though the case has been instituted under the SC/ST Act, but then, the allegation is not specific that as to who abuse the policemen with their caste name. It is further submitted that the appellant will not abscond rather will cooperate in the investigation. It is further submitted that since



FIR has been instituted by a police officer, hence notice is not required.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 29.05.2024 in A.B.P. No. 645 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Jamui in connection with Jamui P.S. Case No. 598 of 2023 is hereby set aside the order impugned and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jamui P.S. Case No. 598 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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