

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3454 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Jyoti Singh W/o Late Sunil Kumar Singh R/o vill -Salempur, Bahora Bigha,
P.S. - Muffasil, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Janti Devi W/o Late Nandlal Chaudhary @ Lala Chaudhary R/o vill -
Salempur, Tola Bahora, P.S. - Muffasil, Distt. - Gaya

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2024 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 30.05.2024 passed by the learned Exclusive Special, Judge SC/ST, Gaya in connection with Complaint Case No.53 of 2023 instituted for the offences under Sections 341, 342, 323, 457, 201, 120(B)/34 of the IPC and Section 3(i)(r) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that appellant is a person with clean antecedent and is a women and the informant alleges that on 10.02.2023 at about 11:00 PM all the named accused persons along with 20-25 unknown accused



came and started knocking the door, but the informant did not open the door, thereafter, they broke the door and entered the house forcibly and started abusing the informant by taking her caste name and also broke the C.C.Tv. Camera installed at her home and took away cash of Rs.70,000/- and sale deed from the Almirah.

4. The learned counsel submits that appellant has been falsely implicated in the instant case for the reason that Gaya Muffasil P.S. Case No.178 of 2023 dated 11.02.2023 has been instituted under Section 302, 120B and 34 of the IPC by the appellant against the son of the informant and other family members alleging that they were involved in the killing of her husband. It is further submitted that even presuming what has been alleged is true without admitting in the instant FIR, then also prima facie no offence under the SC/ST Act is made out as the allegation does not even remotely suggests that the occurrence was witnessed by any independent witnesses, rather the entire occurrence took place inside the house of the informant.

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

6. Regard being had to the aforesaid submissions, the



order dated 30.05.2024 is set aside.

7. The appeal stands allowed.

8. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his 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 Exclusive Special, Judge SC/ST, Gaya in connection with Complaint Case No.53 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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