

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3435 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARSOI District- Katihar

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1. TAFIA MOHAMMAD SON OF NAJIMUDDIN R/O VILLAGE- KOHRA, P.S.- BARSOI, DISTT.- KATIHAR
 2. SAFIQUAL SON OF HIMMAT ALI R/O VILLAGE- KOHRA, P.S.- BARSOI, DISTT.- KATIHAR
 3. AANSARA KHATOON WIFE OF SAFIQUAL R/O VILLAGE- KOHRA, P.S.- BARSOI, DISTT.- KATIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. PERMILA DEVI WIFE OF RAMESHWAR PASWAN R/O VILLAGE- KATRA, P.S.- BARSOI, DISTT.- KATIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar No. 1, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P. Mr. Madhav Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-04-2024 1. I.A. No. 01 of 2024 has been filed for condonation of delay in preferring this appeal.

2. For the reasons indicated in the interlocutory application, the same is allowed. The delay in filing the memo of appeal is condoned.

3. Heard learned counsel for the appellants, Mr. Binay Krishna learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the respondent no. 2.

4. Learned counsel for the appellants, at the outset, seeks permission to withdraw the present appeal with respect to appellants no. 1 and 2, namely, Tafia Mohammad and Safiqual



respectively.

5. Permission is accorded.

6. Accordingly, the present appeal with respect to appellants no. 1 and 2 is dismissed as withdrawn.

7. 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 10.06.2022 in A.B.P. No. 10 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Katihar in connection with Barsoi P.S. Case No. 14 of 2022 registered under Sections 341, 323, 324, 325, 354(B), 448, 307, 504 and 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

8. Learned counsel for the appellant no. 3 Aansara Khatoon submits that she being the wife of Safiquel has been falsely implicated in the instant case by the respondent no. 2. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of causing injury by knife to the injured is upon Safiquel and Aansara Khatoon is wife of Safiquel as such in order to coerce Safiquel into submission she also has been implicated with general, omnibus and ornamental allegation.



9. Learned Special Public Prosecutor and the learned counsel appearing on behalf of the respondent no. 2 opposed the prayer for anticipatory bail of the appellant no. 3 but then is not in a position to rebut the submission of the learned counsel for the appellant no. 3 that there is no specific allegation of assault against the appellant no. 3 and the allegation against her is general, omnibus and ornamental in nature.

10. Considering the aforesaid facts, let the appellant no. 3 Aansara Khatoon, above named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

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