

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3984 of 2023

Arising Out of PS. Case No.-112 Year-2020 Thana- IMAMGANJ District- Gaya

1. KALAWASIYA DEVI wife of Krishna yadav Village- Loknachak Ps- Imamganj Dist- Gaya
2. Dulari Devi wife of Vifan Yadav Village- Loknachak Ps- Imamganj Dist- Gaya
3. Mitala Devi wife of Manki Yadav Village- Loknachak Ps- Imamganj Dist- Gaya
4. Anamika Devi wife of Vijay Yadav Village- Loknachak Ps- Imamganj Dist- Gaya
5. Ranju Devi wife of Dhananjay Yadav Village- Loknachak Ps- Imamganj Dist- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Javed Jafar Khan
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-02-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 08.09.2023, he has informed the informant but none is present on her behalf.

3. 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



28.08.2020 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Imamganj P.S. Case No. 112/2020 registered under Sections 147, 148, 149, 341, 323, 324, 325 & 307 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the F.I.R. named accused persons including these appellants variously armed are said to have surrounded for occupying the land of the informant. They also abused in the caste name and assaulted the husband of the informant.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Several similarly situated co-accused have already been enlarged on bail vide order dated 17.11.2021 passed in Cr. Appeal (SJ) No.1126 of 2021 and order dated 18.01.2023 passed



in Cr. Appeal (SJ) No.3765 of 2021. Appellants are ladies and have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

7. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Imamganj P.S. Case No.112 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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