

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4077 of 2023**

Arising Out of PS. Case No.-825 Year-2022 Thana- CHAPRA TOWN District- Saran

Chinta Devi Wife Of Mohan Pandit Resident Of Village -MAUNA Sandha
Dhala, Ps- Chapra Town, Distt- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar Chaudhary Son Of Jhagru Chaudhary Resident Of Village
-MAUNA Sandha Dhala, Ps- Chapra Town, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Avnish Kumar Singh, Adv
For the Respondent/s	:	Mr.Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Maheshwar Prasad, Adv

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-03-2024 Heard learned counsel for the appellant and learned
Spl P.P for the State.

2. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 08.06.2023 passed by the Additional Sessions Judge 3rd cum (SC/ST) MP/MLA Judge, Saran in connection with Chapra Town P.S. Case no. 825 of 2022, A.B.P No. 1604 of 2023 registered for the alleged offences under sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) of the SC/ST(PoA) Act.

3. As per the prosecution case, all the FIR named accused persons assaulted the informant with lathi and danda



and abused him by taking his caste name. The co-accused Mohan Pandit assaulted on the head of the informant having intention to kill causing head injury and snatched Rs. 21,700 from his pocket.

4. learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in this case. The appellant is a lady. The allegation of abusing against the appellant is general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence no offence under the provision of SC/ST Act is made out against the appellants. The appellant has clean antecedent stated in para-3 of the petition.

5. Learned Spl P.P for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellant, the impugned order dated 08.06.2023 passed by the learned Additional Sessions Judge 3rd cum SC/ST/MP/MLA Judge, Saran in connection with Chapra Town P.S. Case no. 825 of 2022 is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, the above named appellant, in the event of her arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd cum SC/ST MP/MLA, Judge Saran in connection with Chapra Town P.S.Case No. 825 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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