

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4220 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- JOGAPATTI District- West Champaran

POONAM DEVI, WIFE OF VISHWANATH SAH VILLAGE- NAWALPUR,
PS YOGAPATTI, DISTRICT WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. LALDEV DAS SON OF LATE PUN DAS R/O VILLAGE- MENKA, PS-
IMMAMGANJ, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Respondent/s : Ms.Usha Kumari 1, APP

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

ORAL ORDER

3 05-04-2024 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 (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the rejection of prayer for anticipatory bail of the appellant vide order dated 19.08.2023 passed by the learned Additional District and Sessions Judge 1st cum Special Judge, (SC/ST), Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 312 of 2023 dated 12.07.2023 registered for the alleged offences under Sections 147, 148, 341, 323, 307, 332, 188, 353, 224, 225, 504, 506 of the Indian Penal Code and Sections 3(i)(r)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act.

3. As per prosecution case, the informant and other police personnel reached Nawalpur and arrested the accused Vishwanath Sah at his house, in the meantime, the police personnel was searching witnesses then the appellant and the co-accused persons armed with Hasua and bamboo stick came there and assaulted them. On seeing the plate's name of the informant, the accused persons abused him by calling his caste name. It is further alleged that the appellant assaulted the informant with hasua with intent to kill but the informant saved himself anyhow. Thereafter, the accused persons got Viswanath Sah released from the police custody and fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The informant has alleged that the appellant Poonam Devi caused injury by Hasua but neither the informant nor the police personnel have sustained any injury and there is no any injury report on record. 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 incident and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no concern with the alleged offence. The appellant is a lady and she has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel



for the respondent no. 2 have 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 the learned counsel for the appellant, the impugned order dated 19.08.2023 passed by the learned Additional District and Sessions Judge 1st cum Special Judge, (SC/ST), Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 312 of 2023, 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 the learned Additional District and Sessions Judge 1st cum Special Judge, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 312 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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