

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4321 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- AWTARNAGAR District- Saran

Meena Devi @ Mina Devi W/O Taraknath Sah R/O Village- Haraji Pokhri,
P.S- Awtar Nagar, Distt.- Saran At Chapra.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANI DEVI W/O MANOJ CHAUDHARY R/O HARAJI POKHRI, P.S-
AVTAR NAGAR, DISTT.- SARAN AT CHAPRA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Usha Kumari 1

**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 against the refusal of prayer for anticipatory bail vide order dated 24.08.2023 passed by the learned Exclusive Special Judge, (SC/ST), Saran at Chapra in connection with A.B.P. No. 2865 of 2023, arising out of Awtar Nagar P.S. Case No. 116 of 2023, registered for the alleged offences under Sections 436, 34 of the Indian Penal Code and Section 3(i)(r) of the S.C./S.T. (POA) Act, 1989.

3. As per the prosecution case, the appellant and the other co-accused persons are alleged to have come to the house of the informant and started abusing her by calling her caste name and



threatening her not to construct the house in this vicinity. Thereafter the informant further alleged that while she was sleeping in her old house in the night, then some people came to knock her door and informed that her new house was set on fire. The informant along with her family members went there and extinguish the fire with the help of neighbours but half portion of the house got damaged. The informant further alleged that the accused persons intentionally set the house on fire because of the previous land dispute.

4. Learned counsel for the appellant submitted that the appellant is innocent and has falsely been implicated in this case. 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 criminal antecedent as stated in para 3 of the appeal. There is land dispute between both the parties.

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 learned counsel for the appellant, the impugned order dated 24.08.2023 passed by the learned Exclusive Special Judge, (SC/ST), Saran at Chapra in connection with A.B.P. No. 2865 of 2023, arising out of Awtar Nagar



P.S. Case No. 116 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 court of learned Exclusive Special Judge, (SC/ST), Saran at Chapra in connection with A.B.P. No. 2865 of 2023, arising out of Awtar Nagar P.S. Case No. 116 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Ranjeet/-

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