

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4643 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- KOTWA District- East Champaran

Ruby Devi Wife Of Sanjeet Kumar Thakur Resident Of Village - Chiutaha,
Ps- Kotwa, Dist- East Champaran Appellant

Versus

1. The State of Bihar
2. Gayatri Devi Wife Of Mohan Paswan Resident Of Village - Chiutaha, Ps-
Kotwa, Dist- East Champaran Respondents

Appearance :

For the Appellant	:	Mr.Madhurendra Kumar, Advocate
For the Respondents	:	Mr.Sadanand Paswan, Addl Public Prosecutor Mr. Vijay Shankar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-05-2024 Heard learned counsel for the appellant, the State and
respondent no.2.

2. This appeal has been filed for setting aside order dated passed in a case registered for the offence punishable under sections 341,323,354,379,504,506/34 of the IPC and sections 3(i)(r)(w)/3(i)V, 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, there is oral partition between informant's husband and his brother and on 1 katha 5 dhurs land of Khata no. 64, Khesra no. 577, she has got her residential house and Raju Paswan has executed a forged, fabricated and unauthorized sale deed regarding 3 dhurs land of



the aforesaid plot on which the respondent no.2 has got residential house. It is further alleged that on 15.10.2022 when the respondent no.2 went to ask about the same, the accused persons became ready to quarrel and thereafter, on 16.10.2022 at 06:00 O'clock in the morning, the informant's Dewar (brother-in-law) Raju Paswan, his daughter Kiran Kumari and the alleged purchaser Ruby Devi (the appellant) and her husband Sanjeev Kumar Thakur came at the informant's door with lathi-danda and began to scuffle. It is further alleged that husband of appellant tore her blouse, co-accused Raju Paswan put her down with bad intention due to which she became half naked. On her cry, the informant's husband came to save her, then the accused persons assaulted him with lathi-danda. It is further alleged that Raju Paswan assaulted her with Dabila with an intention to kill her. Co-accused Kiran Kumari and appellant snatched the informant's gold ear ring. Appellant and her husband also spitted on respondent no.2.

4. Learned counsel appearing for the appellant submits that the appellant has committed no offence and she has falsely been implicated in this case due to land dispute, appellant is bona fide purchaser of the land from the daughter of brother-in-law of respondent no.2 after payment of



consideration money. F.I.R. has been lodged after inordinate delay of four months without any explanation which renders the entire prosecution case doubtful. It is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Appellant claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge SC/ST Act, Motihari, East Champaran in Kotwa Police Station Case No. 40 of 2023.

(Prabhat Kumar Singh, J)

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