

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4718 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- RAXAUL District- East Champaran

Girja Devi @ Girija Devi Wife Of Rama Pravesh Yadav @ Pravesh Rai R/O
Village- Chandauli, P.S.- Raxaul (HARAIYA O.P.), Dist.- East Champaran
... .. Appellant

Versus

1. The State Of Bihar
2. Mahendra Paswan Son Of Shri Yadunandan Paswan R/O Village- Chandauli,
P.S.- Raxaul (HARAIYA O.P.), P.O.- Jokiyari, Dist.- East Champaran
... .. Respondent

Appearance :

For the Appellant : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Respondent : Ms/Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 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 9.8.2023 passed in a case registered for the offence punishable under sections 341,323,504/34 of the IPC and sections 3(i)(r)(s)/3(2)(va) 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, all the FIR named accused persons including this appellant assaulted and abused respondent no.2 by caste name. It is further alleged that the appellant spat on the wife of respondent no.2.

4. Learned counsel appearing for the appellant



submits that no specific overt act has been alleged against the appellant and allegation of spitting is superaddition. 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 Raxaul (Haraiya OP) Police Station Case No. 89 of 2023.

(Prabhat Kumar Singh, J)

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