

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4882 of 2023

Arising Out of PS. Case No.-367 Year-2023 Thana- RAJIVNAGAR District- Patna

Mamta Singh @ Mamta Kumari W/O Chaturbhuj Kumar Resident Of Flat No-E-302 Narayan City Apartment, Brahmsthani Road, Near Jagat Ambika Apartment, Sheikhpura, P.Os-B.V. College, P.S-Shastri Nagar, Patna, Bihar-800014

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Singh W/O Raju Kumar Singh Resident Of Village Mausam Colony, Khajpura, P.S.-Rajeev Nagar, District- Patna, Bihar- 800014

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Apurva Kumar
For the Resp/State	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant and learned Special P.P. for of the State.

2. This appeal has been filed against order dated 26.09.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna in connection with Rajeev Nagar P.S. Case No. 367 of 2023, registered under Sections 341, 323, 504, 506, 506, 354/34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant has been rejected.

3. The prosecution case, in brief, is that on the alleged date & time of occurrence, all the F.I.R. named accused persons



including this appellant, having knife, lathi-danda and rod in their hands, assaulted Devar of the informant as well as daughter and maid servant of informant. It is further alleged that accused persons also threatened to kill and grab all the property.

4. It is submitted on behalf of the appellant that informant is own Bhabhi of the co-accused Anju Ranjan and due to dispute over ancestral property, this false and concocted case has been lodged. Appellant is residing separately and has got no connection with the present case. Informant as well as appellant side do not belong to SC/ST category, and as such, no case under the SC/ST Act is made out. Allegation is general and omnibus. Similarly situated two co-accused have already been granted anticipatory bail by this Court, vide order dated 16.05.2024 passed in Cr.Appeal (SJ) No. 4760 of 2023. Appellant is lady and has got clean antecedent.

5. Learned Spl. Public Prosecutor for the State opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 26.09.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be



released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Patna in connection with Rajeev Nagar P.S. Case No. 367 of 2023.

(Prabhat Kumar Singh, J)

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