

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5241 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- SC/ST District- Samastipur

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1. Anupam Kumari @ Ampam Kumari D/O Raghunath Sah R/O Village- Balmegh, Rahimtol, P.S.- Ujiyarpur, Samastipur, Bihar- 848118
 2. Sangeeta Devi Wife Of Raghunath Sah R/O Village- Balmegh, Rahimtol, P.S.- Ujiyarpur, Samastipur, Bihar- 848118

... .. Appellants

Versus

1. The State Of Bihar
2. Mahendra Mahto Son Of Late Babu Lal Mahto R/O Village And Post- Belamegh, Ujiyarpur P.S., Samastipur-848118, Bihar

... .. Respondents

Appearance :

For the Appellants	:	Mr.Piyush Kumar Pandey, Advocate
For the Respondents	:	Ms/Mrs. Usha Kumari 1, Spl.P.P Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2024 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 12.10.2023 passed in a case registered for the offence punishable under sections 341, 323, 354, 379, 504/34 of the IPC and section 3(i)(r)(s)(w)/3(ii)V(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, all the FIR named accused persons including these appellants came to the house of the respondent no.2 and tried to get the land vacated and on objection, appellants abused the informant by caste name and assaulted the respondent no.2 and his wife with fists and slaps and co-accused Shyam Sah snatched gold chain of wife of respondent no.2.



4. Learned counsel appearing for the appellants submits that due to assertion of right, title and possession over the land in question by both parties, simple marpit took place between the parties. There is case and counter case. It is not the case of the prosecution that any member of the public was present at the time of occurrence, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent. Appellants are ladies and allegation of assault is general and omnibus and no specific overt act has been alleged against them.

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 appellants, named above, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the Special Judge (SC/ST Act), Samastipur in connection with Samastipur SC/ST Police Station Case No. 66 of 2023.

(Prabhat Kumar Singh, J)

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