

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5624 of 2023**

Arising Out of PS. Case No.-120 Year-2023 Thana- BELDOUR District- Khagaria

Chandrika Devi W/o- Chandramani Yadav Resident of Village - Kharrabasha,
P.S.- Beldaur, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vina Kumari W/o- Balram paswan Resident of Village - Kharrabasha, P.S.-
Beldaur, Distt.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P. Mr. Ram Sumiran Rai, Adv.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 02-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 11.10.2023 passed by Additional Sessions Judge-I-cum-Special Judge, Khagaria in connection with Beldaur P.S. Case No. 120 of 2023 corresponding to Special SC/ST G.R. No. 67 of 2023, registered under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that appellant along with other co-accused assaulted the informant by fist and slap and pulled down her saree



and snatched her *mangalsutra*. It is further alleged that the appellant abused the informant by her caste name.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to previous enmity. Further submission is that the present case has been lodged after a delay of 7 days without any explanation. It is not the case of the prosecution, that any member of public was present at the time of occurrence, as such, the incident did not take place within public view and hence no offence under SC/ST Act is made out. Appellant is a lady claims clean antecedent.

5. Learned Spl. Public Prosecutor for State and learned counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions advanced on behalf of the parties, let the appellant, as named above, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, Khagaria in connection with Beldaur P.S. Case No. 120 of 2023 corresponding to Special SC/ST G.R. No. 67 of 2023.

7. Accordingly, the impugned order dated 11.10.2023 is



set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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