

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.5681 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Sharmila Devi @ Dharmshila Devi Wife Of Dharamveer Singh @ Randheer Kumar Resident Of Sheora, P.S. - Patory, District - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Vinod Kumar Chaudhary Son Of Surendra Chaudhari Resident Of Sheora, P.S. - Patory, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Samir Kumar, Adv.
For the State : Mr. Binay Krishna, Spl. P.P.
For the Resp't No. 2 : Mr. Pramod Kumar Singh, 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 19.10.2023 passed by learned Special Judge, SC/ST (PoA) Act, Samastipur in connection with Patori P.S. Case No. 374 of 2023, registered under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. In the First Information Report, the only allegation against the appellant is of snatching gold chain from the neck of the informant.

4. Learned counsel for the appellant submits that appellant is innocent and has falsely been implicated in the present case due to ulterior motive and dirty village politics. Further



submission is that appellant has neither called the informant by his caste name nor assaulted him. It is next submitted that the specific allegation of assault and abuse is against co-accused Dharamveer Singh. 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-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Special Judge, SC/ST (PoA) Act, Samastipur in connection with Patori P.S. Case No. 374 of 2023.

7. Accordingly, the impugned order dated 19.10.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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