

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.170 of 2024

Arising Out of PS. Case No.-527 Year-2023 Thana- GOPALPUR District- Patna

Smt. Kanti Devi W/o Narayan Mahto R/o vill - Bairiya, P.S. - Sona Gopalpur,
Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Seema Devi W/o Shashi Bhusan Paswan R/o vill and Post and P.S. -
Pakaridayal, Distt. - East Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kameshwar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-07-2024 1. Heard learned counsel for the appellant and
learned Spl.P.P. for the State Ms. Usha Kumari No.1. No
one appears on behalf of respondent no.2.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail**
vide order dated 04.12.2023 in ABP No. 10199 of 2023
passed by the learned Exclusive Spl. Court SC/ST Act,
Patna in connection with Gopalpur P.S. Case No. 527 of
2023 registered under Sections 504, 506 and 34 of the
Indian Penal Code and Section 3(i)(r)(s) of the Schedule



Caste and Schedule Tribes (Prevention of Atrocities Act).

3. Learned counsel for the appellant submits that appellant is person with clean antecedent and is a woman and has been falsely implicated in the instant case by the informant and from bare perusal of the allegation as alleged in the FIR it would manifest that the dispute is purely civil to which a criminal colour has been given as the informant alleges that she along with her father-in-law had purchased 10 dhurs of land from one Bulkan Rai and Bulkan Rai without their permission was getting the land cultivated by Narayan Mahto, further despite the informant requesting them not to cultivate the land they continued with the cultivation, further on 19.08.2023 when she along with her brother went on the land she saw that the land has been cultivated and when she asked Narayan Mahto and his wife that as to why the land has been cultivated on which they started misbehaving.

4. Learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR no offence under the SC/ST Act is made out.

5. Learned Spl.P.P. for the State opposes the



prayer for anticipatory bail of the appellant.

6. Considering the submissions made by the learned counsel for the appellant, order dated 04.12.2023 in ABP No. 10199 of 2023 passed by the learned Exclusive Spl. Court SC/ST Act, Patna in connection with Gopalpur P.S. Case No. 527 of 2023, **is hereby set aside** and the appellant, above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalpur P.S. Case No. 527 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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