

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.422 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- RAJAPAKAR District- Vaishali

Sima Devi W/O PRAMOD KUMAR R/O VILLAGE- BAKHARI
SUPAYAN,PS.- RAJAPAKAR, DIST. VAISHALI.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Rajesh Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Rajeew Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-11-2025 Heard learned counsel appearing for the appellant,

learned Spl.P.P. appearing on behalf of the State and learned

counsel appearing on behalf of the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 16.12.2023 passed in a case registered for the offence punishable under Sections 341, 323, 354, 504, 506, 420 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 08.09.2023, all the F.I.R. named accused persons, including this appellant, got executed a sale deed from mentally disturbed son



of informant, namely Rahul Kumar, without giving any consideration money. It is further alleged that after knowing this fact, on 14.09.2023 at about 6 PM, when the informant along with his son went to the house of accused persons and demanded the consideration money, all of them abused her by caste name, committed *maar-peet* and outraged her modesty.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. After payment of full consideration money, the sale deed in question was executed by the son of informant. As a matter of fact, the informant wanted some more money and on refusal, this false and concocted case has been lodged. Moreover, the dispute is with regard to sale and purchase of land which is purely civil in nature and a civil suit has also been filed by the informant's side where this appellant is also a party. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against this appellant. There is no material on record to suggest that the alleged offence was committed solely on the ground that the informant belongs to SC/ST community and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act is made out against the appellant. Similarly situated co-accused person has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 16.04.2024 passed in Cr. Appeal (SJ) No. 552 of 2024. Appellant claims clean antecedents.

5. On the other hand, learned Spl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed this appeal.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of dispute and claim based on parity, this appeal is allowed and the impugned order dated 16.12.2023 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur in connection with A.B.P. No. 3337 of 2023 arising out of Rajapakar P.S. Case No. 340 of 2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of 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) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge, SC/ST Act-cum-A.D.J.,
Vaishali at Hajipur in connection with Rajapakar P.S. Case No.
340 of 2023.

(Prabhat Kumar Singh, J)

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