

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.794 of 2024

Arising Out of PS. Case No.-50 Year-2022 Thana- MAIGRA District- Gaya

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Anita Devi W/O Doman Bhuiyan, R/O Village- Pachmah, P.S- Maigra,
District- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Arjun Das S/O Prameshwar Das R/O Village- Pachmah, P.S- Maigra, Distt.-
Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by the
learned Exclusive Special (S.C./S.T. Act), Gaya, in connection
with A.B.P. No.322/2023 arising out of Maigra Police Station
Case No.50 of 2022 registered under Sections 147, 148, 149,
447, 448, 436, 427, 341, 342, 379, 382, 307, 302, 120(b), 434,
440, 449, 452, 461, 396, 397 and 402 of the Indian Penal Code,
Section 3/4 of the Prevention of Witch Act and under Sections
5/6, 3(i)(r)(s), (4), (2b)/(3), R(iii), (iv), (v), (b-a) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel for the appellant submits that the appellant herself belongs to Schedule Castes and Schedule Tribes Category in the present case, therefore, offence under the provision of SC/ST Act is not applicable upon her and therefore, no need of issuance of notice against respondent No.2.

4. As per prosecution case, F.I.R. has been lodged against 69 named and 200 unknown accused persons including the appellant against whom there is an allegation that they burnt the wife of the informant, resulting to her death.

5. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He submits that the antecedent of the appellant is clean. No offence under SC/ST Act is applicable upon her as she herself belongs to SC/ST Community. Learned counsel for the appellant further submits that there is no specific allegation against any of the accused persons including the appellant. He further submits that in this case series of persons have been granted anticipatory bail by this Court vide order dated 12.06.2023 passed in Cr. Misc. No.18556 of 2023 and order dated 19.04.2024 passed in Cr. Misc. No.83637 of 2023.



6. Learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellant and submits that series of other co-accused persons have been granted anticipatory bail by this Court.

7. Considering the aforesaid fact, let the appellant, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Special Court, Gaya in connection with A.B.P. No.322/2023 arising out of Maigra Police Station Case No.50 of 2022, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

8. Accordingly, the impugned order is set aside and appeal is allowed.

(Dr. Anshuman, J)

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