

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.885 of 2024**

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

Rubi Praween @ Rumi Praween W/O Sakir Reza R/O Village- Kujibana, Ps.-
Kadwa, Dist.- Katihar.

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Pramod Kumar Roy S/O Sobha Roy R/O Village- Kujibana, Ps. Kadwa,
Dist.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md Musowir
For the Respondent/s	:	Mr.Binay Krishna
For the Respondent No. 2	:	Mrs. Upasana Vibha Toppo

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 27-03-2025 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 10.01.2024 passed by the learned A.D.J.-1.
Cum- Special Judge, SC/ST Act, Katihar in connection with
Kadwa P.S. Case No. 220 of 2023 dated 03.10.2023 registered
for the offences punishable u/ss 307 and 120B read with 34 of
the Indian Penal Code, Section 27 of the Arms Act and Sections
3(2)(va) of the SC/ST Act.



3. As per the prosecution case, when the informant was drinking tea at Kujivana Chowk, the co-accused Sakir Reza and Banua came and started abusing the informant's brother and shot him. When the informant tried to intervene, they shot him too. Thereafter, the informant and his brother managed to escape, in the meantime, the co-accused Sakir Reza and Banua fled away.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. The appellant is a lady. The specific allegation is against the co-accused Sakir Reza and Banua. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under SC/ST Act. The co-accused has been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 697 of 2024. The appellant has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned Spl. P.P. for the State have vehemently opposed the anticipatory bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of



the case, the impugned order dated 10.01.2024 passed by the learned A.D.J.-1. Cum- Special Judge, SC/ST Act, Katihar in connection with Kadwa P.S. Case No. 220 of 2023, is set aside against the appellant. The criminal appeal is allowed.

6. Accordingly, the above named appellant, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-1. Cum- Special Judge, SC/ST Act, Katihar in connection with Kadwa P.S. Case No. 220 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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