

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2117 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Sita Devi W/O Lal Babu Sah Resident of vill.- Rupauli Bujurg, P.S.-
Musrighararai, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Kumar Son of Sakhichandra Ram R/O Vill.- Rasalpur Simri, Ward No. 1, P.S.- Vidyapatnagar, Dist.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Amit Kumar, Advocate
		Md. Shadab Alam Wazdi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2025 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 18.03.2024 passed in a case registered for the offence punishable under Sections 147, 148, 323, 341, 342, 379, 420, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, it is alleged that this appellant, along with other F.I.R. named accused persons,



dishonestly induced the informant and took Rs. 2,78,908/- as loan by supplying duplicate gold and when he asked to return the money, all the accused persons abused him by caste name.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, appellant has falsely been implicated in this case due to petty matrimonial dispute going on between informant and friend of husband of this appellant. The present F.I.R. has been lodged after inordinate delay of more than two months and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. As a matter of fact, it is a case of monetary dispute which has been given a colour of criminal offence. None of the acts allegedly committed by this appellant would give rise to any criminal liability. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. Appellant is a lady and 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, delay in lodging of the F.I.R. and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 18.03.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 755 of 2024 arising out of Musrigharari P.S. Case No. 186 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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Musrigharari P.S. Case No. 186 of 2023.

(Prabhat Kumar Singh, J)

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