

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2285 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- SC/ST District- Madhubani

Arhuliya Devi @ Arhuliya Wife of Shobhit Poddar R/o Village - Piprahi, P.S.-
Laukahi, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi Wife of Suraj Khatbe R/o Village - Piprahi, Ward No.- 12, P.S.-
Laukahi, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Soban Asghar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-08-2025 Despite valid service of notice upon the Respondent
No. 2, no one appears on behalf of the Respondent No. 2.

2. Heard Md. Soban Asghar, learned counsel for the
appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the
State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
04.04.2024 passed by the learned Court of 1st Additional
Sessions Judge cum Special Judge SC/ST Act, Madhubani in
connection with Madhubani SC/ST P.S. Case No. 95 of 2023,
F.I.R. dated 20.12.2023 registered under Sections 341, 323, 354,
379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)



(r)(s)(w) 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including this appellant abused the informant by her caste name and also assaulted her by pressing her neck.

5. Learned counsel for the appellant submits that appellant has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. It appears from the F.I.R that the occurrence took place in front of the house of the informant, so no case is made out under the SC/ST Act against the appellant. Apart from that it appears from the F.I.R that due to some petty dispute the present occurrence took place. Although there is specific allegation against the appellant that she has assaulted to the informant but the injury report is not available on the record to suggest that the informant has received any injury.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant that she has abused the informant.



7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances that the appellant has clean antecedent and the occurrence took place in the house of the informant, so no case is made out under the SC/ST Act against the appellant, let the appellant, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Madhubani in connection with Madhubani SC/ST P.S. Case No. 95 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient



reason, her bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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