

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2574 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Anita Devi W/O Shivnath Ray Resident of village Dharampur Chauk Near
Railway Gumti Number 54 PS Samastipur Muffasil District Samastipur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mithilesh Kumar Sada @Mithilesh Kumar S/O Surendra Sada R/O Village
Andaha, Bhagwanpur Kamla, Ward no. 12, P.S. Ujjarpur, Distt-Samastipur
Presently residing at Resident of village Dharampur P.S. Samastipur
Muffasil District Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the Resp. No. 2	:	Mr. Shekhar Harshvardhan, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2025 Heard Mr. Bijay Bhushan Prasad, learned counsel

for the appellant, Mr. Shekhar Harshvardhan, learned counsel

for the Respondent No. 2 as well as Mr. Binay Krishna, learned

Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 08.05.2024 in A.B.P. No. 971 of 2024 passed by
the learned Special Judge, SC/ST (POA) Act, Samastipur in
connection with Samastipur (Muffasil) P.S. Case No. 84 of 2024
registered under Sections 342, 323, 324, 325, 307, 379, 504/34



of the Indian Penal Code and Sections 3(1) (r)(s) of SC/ST (Prevention of Atrocities) Act.

3. Allegation against the appellant is that she has snatched Rs. 2,260/- from the pocket of the informant.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and she has been falsely implicated in the present case merely on the ground that she is wife of co-accused namely Shivnath Ray and from perusal of the F.I.R. it appears that the only allegation against the appellant is that she has snatched Rs. 2,260/- from the pocket of the informant and apart from that there is no specific allegation in the entire F.I.R.. He further submits that the allegation as alleged in the F.I.R. against the appellant is ornamental and no such occurrence had taken place.

5. Learned counsel for the Respondent No. 2 as well as learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the appellant.

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

7. Considering the aforesaid facts that the appellant



having clean antecedent and there is no specific allegation of any assault or overt act attributed against the appellant as well as the allegation against the appellant is ornamental, 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 sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 84 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

8. Accordingly, the impugned order dated 08.05.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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