

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3084 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SHANKARPUR District- Madhepura

1. DHANESHWARI DEVI @ MAHA DEVI @ DHANESHARI DEVI W/O LATE UTTIMLAL YADAV @ LATE UTIMALAL YADAV R/O VILLAGE- KOLHUA, WARD NO. 17, P.S- SHANKARPUR, DISTT.- MADHEPURA.
2. SAJJAN YADAV S/O LATE UTTIMLAL YADAV @ LATE UTIMALAL YADAV R/O VILLAGE- KOLHUA, WARD NO. 17, P.S- SHANKARPUR, DISTT.- MADHEPURA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BABY KUMARI W/O SANTOSH RAJAK R/O VILLAGE- KOLHUA, WARD NO. 17, P.S- SHANKARPUR, DISTT.- MADHEPURA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pawan Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 18.03.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, S.C./S.T.(POA) Act, Madhepura in connection with Shankarpur P.S. Case No. 02 of 2024, registered for the offences under Sections 341, 323, 379, 354(A), 504, 506, 376, 511 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(z) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act.



3. As per the prosecution case, the appellant along with other co-accused persons are said to have assaulted the informant and her husband and abused them by taking their caste name.

4. Learned counsel for the appellant submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellant has been falsely implicated in this case. It is further submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the informant has opposed the prayer for bail.

6. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar***



Jivraj Jain and Anr. (supra) and *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 18.03.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, S.C./S.T.(POA) Act, Madhepura in connection with Shankarpur P.S. Case No. 02 of 2024 is set aside.

9. Let the appellant no. 1, namely, Dhaneshwari Devi @ Maha Devi @ Dhaneshari Devi in the event of her arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, S.C./S.T. (POA) Act, Madhepura/ concerned Court below in connection with Shankarpur P.S. Case No. 02 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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