

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3550 of 2022**

Arising Out of PS. Case No.-306 Year-2021 Thana- CHHATAPUR District- Supaul

MD. ISMAIL Son of Md. Afrid R/V- Narhaiya, P.S- Chhatapur, Dist- Supaul

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ruchika Wife of Md. Akhtar Ali R/V- Chhatapur Ward No. 6, P.S- Chhatapur, Dist- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 03-04-2025 Heard learned counsel for the parties. Despite filing vakalatnama , nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 02.09.2022 passed in a case registered for the offence punishable under sections 341, 354(A), 354(B), 354(C), 354(D), 504, 506, 34 of the Indian Penal Code and under Sections 3 (i) (r) (s)/3(2)(va) of the SC/ST (POA) Act & 67 IT Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , it is alleged that this petitioner used to send obscene message on her Whatsapp and also threatened to kill her husband and when informant



protested she was abused by her caste name .

4. Learned counsel for the appellant submits that appellant is quite innocent and has committed no offence . There is no material on record to show that any obscene message was sent or posted by mobile number of this appellant. As a matter of fact, husband of the informant obtained his job on the basis of false and fabricated document and after enquiry he was renounced from service . Informant suspects that this appellant and his family might have informed the same to the concerned department and only on the basis of suspicion this false and concocted case has been lodged against this appellant. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . Learned special Public Prosecutor for the state oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Additional District and
Session Judge-1st, Supaul in connection with Chhatapur Police
Station Case No. 306 of 2021 .

(Prabhat Kumar Singh, J)

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