

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.113 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Parmila Devi Wife of Kailash Yadav Resident of Village - Jitwarpur Chouth,
Police Station - Samastipur (Muffasil), District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Ram Son of Ramawatar Ram Resident of Village - Kishanpur, P.S.-
Samastipur (M), District - Samastipur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent No.2:	:	Mr. Dilip Kumar Roy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-04-2025 Heard Mr. Pramod Kumar, learned counsel for the

appellant, Mr. Dilip Kumar Roy, learned counsel appearing on

behalf of the Respondent No. 2 as well as Mr. Sadanand

Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
29.09.2021 passed by the learned Court of 1st Additional
Sessions Judge, Samastipur vide ABP No. 2080 of 2021 in
connection with Samastipur (Muffasil) P.S. Case No. 314 of
2021, F.I.R. dated 21.07.2021 registered under Sections 366,
341, 323, 504 and 34 of the Indian Penal Code and Sections 3(1)
(r), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, son of this appellant used to misbehave with the daughter of the informant and on protest by the informant regarding this issue, the appellant abused her by taking her caste name.

4. 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 in fact, the son of the appellant was in love with the daughter of the informant and he eloped with her and when the informant went to the house of the appellant then the appellant abused the informant. He further submits that there is no specific allegation of kidnapping against the appellant and she is mother of the co-accused, namely, Ranjan Yadav. Apart from that the occurrence has taken place in the house of the appellant, so no case is made out under the SC/ST Act.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for 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 Castes and Scheduled Tribes Act is made out.



7. Hence, let the appellant, above named, in the event of her arrest to 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 Special Judge (SC/ST) Act, Samastipur, District- Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 314 of 2021, 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 his absence on two consecutive dates without sufficient reason, his 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 his



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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

