

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4620 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- SURYAPURA District- Rohtas

Rita Devi Wife of Hariom Singh Resident of Village - Balipur, P.S. -
Suryapura, District - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Paswan Son of Shyam Kumar Paswan At Present Field
Executive, Axis Bank, P.S. - Krishna Brahm, District - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Upendra Prasad Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State. However, no appearance

has been filed on behalf of the respondent no.2 although notices

have been validly served.

2. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 05.09.2024 passed by learned Additional
District & Sessions Judge-17-cum-Exclusive Special Judge,
SC/ST (Prevention of Atrocities), Rohtas at Sasaram in
connection with Suryapura P.S. Case No. 183 of 2024 registered



under Sections 341, 323, 379, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

3. The case of the prosecution is that the informant who was Field Executive of the Axis Bank had gone to the house of the appellant for loan recovery to which the appellant refused to pay the money and her husband and her son used abusive language based on caste and also indulged in assault.

4. Learned counsel for the appellant submits that it would be apparent from the first information report itself that the appellant is a lady and the only allegation against her is that she refused to make the payment. There is no allegation upon her of having indulged in abuse or assault. However, the incident, if any, took place inside the house of the appellant as has been alleged in the first information report and thus provisions of the SC/ST Act do not get attracted. It has further been submitted that the informant has not suffered any injury and hence there is no reference of any injury or no injury report is on record.

5. Learned Spl. PP for the State opposes prayer for bail.

6. In view of the allegations made in the FIR that the caste based abuses have been made by the other co-accused



persons, that too inside the house, the provisions of the SC/ST Act *prima facie*, do not get attracted as against the present appellant.

7. Taking into consideration the facts and circumstances and considering the fact that the allegation against the appellant is only that of refusal of paying amount of loan recovery and she is a lady and not indulged in any other act of abuse or assault, let the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-17-cum-Exclusive Special Judge, SC/ST (Prevention of Atrocities), Rohtas at Sasaram in connection with Suryapura P.S. Case No. 183 of 2024 , subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Soni Shrivastava, J)

anand/-

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