

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5471 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- SC/ST District- Samastipur

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DHARAMSHEELA DEVI WIFE OF RAM LAL SINGH RESIDENT OF
VILLAGE- BANKURWA CHANDALI, POLICE STATION- PUSA,
DISTRICT- SAMASTIPUR Appellant/s

Versus

1. The State of Bihar
 2. SANGEETA DEVI WIFE OF ARUN RAM RESIDENT OF VILLAGE-
BANKURWA, CHANDALI, POLICE STATION- PUSA, DISTRICT-
SAMASTIPUR Respondent/s
- =====

Appearance :

For the Appellant/s	:	Mr. Mahendra Pratap, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Resp No.2	:	Mr. Saroj Kumar Sharma, Advocate
	:	Mr. Anupam Bahadur, Advocate
	:	Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 06-05-2025 Heard Mr. Mahendra Pratap, learned counsel for the

appellant, Mr. Saroj Kumar Sharma, learned counsel for the

Respondent No.2 as well as Mr. Binay Krishna, 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
12.10.2023 passed by the learned Special Judge SC/ST (PoA) Act,
Samastipur in connection with SC/ST P.S. Case No. 54 of 2023,
F.I.R. dated 03.07.2023 registered under Sections 341, 323, 504/
34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant



alleged that her goat was grazing near the agricultural land of co-accused, namely, Ram Lal Singh. On this, his wife i.e. the appellant struck the goat with *khurpi* and when the informant opposed, the appellant started abusing her by taking caste name. Thereafter, informant went to her home, after sometime, appellant along with other co-accused persons came to her house and assaulted the informant and her daughter.

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 the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R and it appears from the FIR that due to petty land dispute the present occurrence has taken place. There is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 31.05.2023 and 03.06.2023 and the First Information Report has been lodged on 03.07.2023 i.e. after one month without giving any reason for delay. Although the appellant is named in the FIR but there is no specific allegation of assault or overt act against her rather the allegation against the appellant is that she abused the informant by taking her caste name. He further submits that no such occurrence of abusing or assault has taken place and the informant has put this part in the FIR only to make false case



against the appellant and with respect to allegation of assault, it is attributed against co-accused persons.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent no.2 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. Considering the aforesaid facts and circumstances, appellant has clean antecedent and no offence under the provisions of SC/ST Act is made out against the appellant, 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 Special Judge SC/ST (PoA) Act, Samastipur in connection with SC/ST P.S. Case No. 54 of 2023, 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 her absence on two consecutive dates without sufficient reason, her 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 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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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