

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5556 of 2023**

Arising Out of PS. Case No.-206 Year-2023 Thana- FESHAR District- Aurangabad

Sharda Devi WIFE OF RAJESH SAW RESIDENT OF VILLAGE- PANDEY  
KHAP, PS- FESAR, DISTT- AURANGABAD

... .. Appellant/s

Versus

1. The State of Bihar
2. NIRANJAN KUMAR SON OF LATE JAGDEO PASWAN RESIDENT OF  
VILLAGE- PANDEY KHAP, PS- FESAR, DISTT- AURANGABAD

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ashok Singh, Advocate  
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      17-06-2025                      Heard Mr. Ashok Singh, learned counsel for the  
  
appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the  
  
State.

2. Learned Spl. PP has informed this Court that she  
has informed the informant (Respondent No.2) through  
Superintendent of Police, Aurangabad on 08.05.2025, despite  
that no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against  
refusal of the prayer for anticipatory bail by order dated  
28.11.2023 passed by the learned Court of Special  
Judge(SC/ST)-cum-1st Additional District & Sessions Judge,  
Aurangabad passed in A.B.P No. 2195 of 2023 arising out of  
Fesar P.S. Case No. 206 of 2023, F.I.R. dated 14.11.2023



registered under Sections 147, 148, 149, 341, 323, 325, 307, 302, 504 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(v) SC/ST (POA) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the appellant along with other accused persons assaulted the family members of the informant by means of *lathi, danda* and iron rod and abused them by caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is the family member of the co-accused persons. It appears from the FIR that specific allegation of assault is attributed against co-accused person, namely, Dhananjay Sao that he assaulted the grand mother of the informant and she died and as far as appellant is concerned, allegations levelled against her is general and omnibus that she along with other accused persons have abused in the name of caste and also pelted stones upon the family members of the informant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant along with other accused persons



have abused in the name of caste and also pelted stone upon the informant and his family members.

7. 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.

8. Considering the aforesaid facts and circumstances, appellant has clean antecedent and there is no specific allegation of assault against the appellant and as far as abusing in the name of caste is concerned, the same took place in the house of co-accused, namely, Sanjay Sao which is not a public place, so no case is made out under SC/ST Act, 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)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Fesar P.S. Case No. 206 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.

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

**(Rajesh Kumar Verma, J)**

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