

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5547 of 2024

Arising Out of PS. Case No.-735 Year-2022 Thana- GAYA MUFASIL District- Gaya

Almanti Devi @ Almanti Kumari @ Smt. Almanti Devi W/o- Anish Kumar
Resident of Dewan Fatehpur P.S- Wazirganj, Dist- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kundan Kumar, Probationer Dy. S.P cum S.H.O., Muffasil P.S. Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Navin Kumar Sinha, Advocate
For the State	:	Mrs. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 17-11-2025 Heard learned counsel for the appellant and learned
Special P.P. for the State.

2. This is an appeal under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.07.2024, passed by learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Muffasil P.S. Case No.735 of 2022, registered under Sections 353, 188, 384, 504 and 506/34 of the Indian Penal Code as well as under Section 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent is a woman and the informant alleges that on 12.09.2022, appellant



and Swati, wife of Rajiv Ranjan Kumar, submitted an application for restraining the unauthorized construction going on in front of their house and for investigation, the informant along with Revenue Officer of Block Manpur went to the place of occurrence on 15.09.2022 and found the complaint false and it transpired that appellant and Swati were trying to fence the common passage, as such, they were asked to stop the construction work on which Swati intimated her husband who is an army personnel who came and abused the informant and Revenue Officer on phone, further the informant received a confidential information on 16.09.2022 that appellant started construction work for fencing the passage, accordingly, a patrolling party was sent for verification and found the information true and thereafter police officer ordered the accused person including the appellant to stop the work but appellant refused to stop the work. Thereafter again Rajiv Ranjan called from his mobile on the mobile of the informant and abused him.

4. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that informant has been made respondent no.2 in the instant appeal and, accordingly, notices were issued and despite Munshi of the informant receiving the notice, the informant chooses not to appear and contest. It is next



submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that the dispute appears to be civil in nature. It is also submitted that it is not the appellant who is alleged to have abused on phone. It is lastly submitted that appellant is a woman.

5. The learned APP opposes the appeal.

6. Considering the submissions made by learned counsel appearing on behalf of the appellant, let appellant, above named, in the event of her arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Muffasil P.S. Case No.735 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Satyavrat Verma, J)

Sanjay/-

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