

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5680 of 2024**

Arising Out of PS. Case No.-181 Year-2024 Thana- PIPRA District- East Champaran

Kamal Devi @ Kamali Devi W/o Pramod Sah Resident of village -  
Madhurapur, P.S. Pipra, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi W/o Raj Kishor Ram R/o village Madhurapur, P.S. Pipra,  
District - East Champaran.

... .. Respondent/s

**Appearance :**

For the Appellant : Mr. Manjeet Kumar Mishra, Adv.  
For the State : Mr. Binay Krishna, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      18-04-2025                      Heard learned counsels for the appellant and learned  
Special P.P. for the State.

2. This appeal has been filed for setting aside order dated 26.10.2024 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 351(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant and other three co-accused persons has been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, while the informant had gone to see her



field, she found 2-3 banana trees were fallen on ground and when she enquired from co-accused Pramod Sah, he passed some caste based derogatory remarks and thereafter, it is alleged that other F.I.R. named accused persons including this appellant also abused her by caste name. It is further alleged that co-accused Santosh Sah assaulted her with lathi and this appellant assaulted her with broom, whereas co-accused Daroga Sah assaulted her with sticks.

4. Learned counsel for the appellant submits that both parties are next door neighbours and due to land dispute between the parties, quarrel took place. F.I.R. has been lodged after a delay of 6 days without there being any plausible explanation of delay. There is no injury report to substantiate the allegation made in the F.I.R. Allegation is general and omnibus. Moreover, the F.I.R. does not disclose that any member of public was present at the place of occurrence and as such, no case under the SC/ST Act is made out against this appellant. Appellant is lady.

5. Learned Special P.P. for the State opposed the prayer for bail of appellant.

6. Considering the aforesaid facts and circumstances of the case, the impugned order dated 26.10.2024, so far as this



appellant is concerned, is hereby set aside.

7. Accordingly, let the appellant, as named above, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Pipra P.S. No. 181 of 2024.

8. This appeal is, accordingly, disposed of.

**(Prabhat Kumar Singh, J)**

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