

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25479 of 2015

Arising Out of PS.Case No. -195 Year- 2015 Thana -AGAMKUAN District- PATNA

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1. Vandana Singh, wife of Mr. Birendra Kumar, resident of 4/27, Jai Prakash Nagar, Opp. Amarnath Mandir, Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-07-2015 Heard learned counsels for the petitioner, informant and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 448, 504, 506 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that on 05.05.2015 co-accused Birendra Kumar and his servant entered into the house of the informant and abused her by calling caste name and threatened her to assault and to commit rape. It is alleged against the petitioner being wife of co-accused Birendra Kumar that she also used to address the mother of the informant as witch.

It is submitted by learned counsel for the petitioner that

the FIR has been lodged for the occurrence of 05.05.2015 wherein it is specific alleged against Birendra Kumar and his servant and accusation with regard to the petitioner is related to past incident. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that though no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the petitioner and the other alleged offences are bailable, hence, the application for anticipatory bail is not maintainable. This argument of the counsel for the informant that this application for anticipatory bail is not maintainable because no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out is misconceived as the application for anticipatory bail has been filed against the whole accusation levelled in the FIR.

Considering the fact that counsel for the informant concedes that offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out against the petitioner and other alleged offences are bailable, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Agamkuan P.S. Case No.195 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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