

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55068 of 2015

Arising out of PS. Case No. -8 Year- 2015 Thana -SC/ST District- JEHANABAD

Tamanna Praveen @ Tamana Praveen wife of Md. Kaisar resident of village
- Jadopur, P.S. Belaganj, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.APP)

For the Informant : Mr. Prashant Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 21-12-2015

Heard Mr. Durgesh Nandan, learned counsel for the petitioner, learned counsel for the State and Mr. Prashant Sinha for the informant.

The petitioner apprehends her arrest in connection with Jehanabad SC/ST P.S. Case No. 08 of 2015 for offences punishable under Sections 341, 323, 504, 406, 420 and 120(B) of the Indian Penal Code and Sections 3(i)(X) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act (hereinafter referred to as the 'SC/ST Act').

The allegation against the petitioner is that she along with the other accused persons i.e. the husband and the father after getting into the agreement in respect of sale / purchase of land subsequently retracted from the agreement and upon the matter being pursued by the informant, that the accused abused her by her caste name, thus making themselves liable to prosecution under

the Indian Penal Code as well as the provisions of the 'SC/ST Act'.

Insofar as the issue regarding breach of contract is concerned, it is argued by Mr. Nandan that the land does not belong to the petitioner and insofar as the allegation under the 'SC/ST Act' is concerned, it is stated that the charge is in an omnibus and generalized manner.

The argument of Mr. Durgesh Nandan has been contested by the State and more strenuously by the informant. Mr. Sinha appearing for the informant relying upon the judgments of the Supreme Court reported in (2012)8 SCC 795 (**Vilas Pandurang Pawar & Anr. vs. State of Maharashtra & Ors.**); paragraph-10 and (2014)3 SCC 471 (**Bachu Das vs. State of Bihar & Ors.**); paragraph-6 has objected to the prayer and to submit that Section-18 of the 'SC/ST Act' would come in the way of the petitioner for such relief. He further submits that since the petitioner is a party to the agreement hence she is not entitled to the relief. He also relies upon an order passed by this Court while considering the bail application of the father in Criminal Misc. No. 49802 of 2015 and the husband and mother in Criminal Misc. No. 49810 of 2015 to oppose the bail application.

I have heard learned counsel for the parties and I have perused the records. Insofar as the imputation under the provisions

of the Indian Penal Code is concerned, considering the fact that the land yet runs in the name of the father Md. Ashik Miyan and insofar as the imputation under the 'SC/ST Act' is concerned, considering the general nature of accusation, in my opinion, the petitioner has made out a case for consideration. In fact in view of the generalized accusation appearing in the present case, the judgments so relied upon by learned counsel for the informant would stand explained.

In the circumstances, let the petitioner, namely, Tamanna Praveen @ Tamana Praveen in the event of her arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Jehanabad and/or the court concerned in connection with Jehanabad SC/ST P.S. Case No. 08 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

S.Sb/-

(Jyoti Saran, J)

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