

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24740 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -BHAGWANPUR District- BEGUSARAI

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1. Shobha Devi Daughter of Gholtan Tanti@Gholat Tanti Resident of Village- Jokiya, Khakna, Tola, PS Bhagwanpur, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 05.07.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 3 (2) (V) of the SC/ST (Prevention of Atrocities) Act.

Petitioner is named in the first information report but there is only allegation against her that at the time of alleged occurrence, she was having dagger in her hand. So far as assailants are concerned, according to written report, same were other accused.

No doubt, after amendment in SC/ST (Prevention of Atrocities) Act, every order is appealable but submission on behalf of the petitioner is that written report of the informant does not disclose any offence punishable under SC/ST (Prevention of Atrocities) Act as the informant did not disclose this fact that she belonged to member of scheduled caste community but even then, police registered the case under the provision of SC/ST (Prevention of Atrocities) Act.

It is submitted that if the court finds that provision of SC/ST (Prevention of Atrocities) Act is not applicable, the application filed under section 439 of the Cr.P.C is entertainable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Bhagwanpur P.S. Case no. 52/2016.

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(Hemant Kumar Srivastava,J)

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