

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30374 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -BASANTPUR District- SIWAN

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Rubi Devi Wife of Sri Rajesh Kumar @ Manoj Kumar resident of Village-
Usari, P.S.- Basantpur, District-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-08-2016 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner apprehends her arrest in connection with Basantpur P.S. Case No. 58 of 2016 for the offences registered under Sections 323, 354B, 406, 420 and 120B of the Indian Penal Code and Section 3(1) (x) (xii) of the SC/ST Act.

Learned Special Public Prosecutor appearing on behalf of the Schedule Caste/Schedule Tribes has made a preliminary objection that the present application is not maintainable, in view of the new amendment of Section 14A of the SC/ST Act. However, after perusal of the Section, this Court clearly distinguishes between bail and pre-arrest bail

and therefore, the preliminary objection raised by the Special P.P. stands overruled. Accordingly, the application is being heard on merits.

Learned counsel for the petitioner submits that though the allegation has been made against the petitioner of having participated in the occurrence dated 28.01.2016, yet there is no specific allegation against the present petitioner. The allegation of having used caste name is against the husband of the present petitioner. Furthermore, the charge against the petitioner under the provision of the SC/ST Act would not be made out as the same has admittedly not been made in a public place in public view.

Having considered the submission of the parties and also the fact that earlier also the complainant had filed a similar complaint which had ended in failure and also the fact that there is no case made out against the petitioner under the provision of SC/ST Act, let the petitioner, above named, in the event of her arrest or surrender before the court below

within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 58 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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