

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29859 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -ROSHANGAANJ District- GAYA

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1. Shakuntala Devi Wife of Ramesh Paswan Resident of Village- Banke, Bazar, P.S. Banke Bazar, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ugranath Mallik

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 06-09-2016

Heard both sides.

The petitioner apprehends her arrest in Raushanganj P.S. case No. 16 of 2016 under Section 307 and other of the Indian Penal Code and under Section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The contention on behalf of the petitioner is that she is a lady and she also belongs to Scheduled Caste. No offence under Section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is made out. No specific allegation of assault is made against the petitioner. Similarly situated accused Amzad Khan and Mukesh Kumar have already been granted anticipatory bail vide order passed in Cr. Misc. Nos. 20722 of 2016 and 25724 of 2016.

Considering the fact that no specific allegation of assault is made against the petitioner, although petitioner is named in the FIR, and since petitioner also belongs to Scheduled Caste, therefore, Section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act shall not be applicable to the petitioner, the above named petitioner, in the event of her arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 Chief Judicial Magistrate, Gaya in Raushanganj P.S. Case No. 16 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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