

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.884 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

=====

1. Kiran Devi wife of Aazad Singh Resident of Village- Patasang, P.S.- Rahui
(Bhagan Bigha), District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 15-12-2016

H.K.Srivastava, J.

Heard learned counsel for the appellant as well as
learned Special Public Prosecutor, appearing for the State of Bihar
(respondent).

This Cr. Appeal filed u/S 14(A) of SC/ST (Prevention of
Atrocities) Amendment Act, is preferred against the order dated 26-
08-2016 passed by learned Special Judge, Nalanda at Bihar Sharif in
S.Tr. No. 292 of 2016 by which, he refused to enlarge the appellant on
bail, who has been made accused in Rahui P.S. Case No. 34 of 2016
u/S 302/34 of the Indian Penal Code and Sections-3(2), V SC/ST
(Prevention of Atrocities) Act.

The informant suspected the involvement of the appellant
in death of his son, who was found hanged in his house. The ground



of the aforesaid suspicion is said to be previous dispute as the deceased had ousted the appellant and her husband from his house.

Submission on behalf of the appellant is that no case under SC/ST (Prevention of Atrocities) Act is made out and so far as Section-302 of the Indian Penal Code is concerned; except suspicion, nothing has been found against the appellant but the learned Special Judge failed to take note of the aforesaid facts.

Although learned Special PP appearing for the State opposed the prayer but considering the above-said facts and circumstances of the case as well as submission of the parties, this Cr. Appeal is allowed and the impugned order dated 26-08-2016 passed in S. Tr. No. 292 of 2016 is hereby, set aside.

Accordingly, the appellant named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with S.Tr. No. 292 of 2016 arising out of Rahui P.S. Case No. 34 of 2016 to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Nalanga at Bihar Shaarif.

(Hemant Kumar Srivastava, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

