

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.848 of 2017

Arising Out of PS.Case No. -90 Year- 2012 Thana -BANGAON District- SAHARSA

Prabha Devi, Wife of Late Indreshwar Lal, resident of village - Basauna,
P.S. Bangaon, District - Saharsa

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance:

For the Appellant/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER**

4 03-05-2017 Heard learned counsel for the appellant as well as
learned Special P.P.

At an earlier occasion, the learned counsel for the appellant had controverted the finding of the lower Court over taking of cognizance. However, by way of supplementary affidavit conceded that cognizance had already been taken by the order dated 22.2.2016 under sections 147, 323, 427, 504 and under section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act

Learned counsel for the appellant has submitted that in the facts and circumstances of the case, appellant is to be released on anticipatory bail.

It has been submitted that in the background of the land dispute, she has purposely been made accused in order to humiliate her, as she at an earlier occasion was a teacher and after retirement, she is leading peaceful life and further, she happens to



be more than 75 years in the background of her retirement in the year 2001 at the age of 60 years. So being an old lady as well as carrying omnibus allegation which during course of investigation was found false and frivolous and that being so, she was not sent up for trial. However, differing therefrom, while taking cognizance of the offence apart from others, also summoned the appellant, accordingly, appellant should be released on an anticipatory bail. He also submits that during course of investigation other accused have already been granted anticipatory bail vide Criminal Misc. No. 44591 of 2013 (Annexure-5)

The learned Special P.P. opposed the prayer.

Having the controversy duly settled at rest as cognizance under the provisions of SC/ST (Prevention of Atrocities) Act, would disentitle the appellant to seek anticipatory bail as held by the Hon'ble Apex Court in Bachu Das vs. State of Bihar and others reported in (2014)3 SCC 471 as well as Manju Devi vs. Onkarjit Singh Ahluwalia @ Omkarjeet Singh & others relating to Criminal Appeal No. 570 of 2017 arising out of S.L.P. (Criminal) No. 1929 of 2015.

That being so, the instant appeal lacks merit and is accordingly, dismissed.

(Aditya Kumar Trivedi, J)

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