

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1254 of 2017

Arising Out of PS.Case No. -32 Year- 2015 Thana -SC/ST District- BANKA

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Kanchan Kumari Wife of Rajneesh Kumar, Resident of Village- Laugain,
P.S.- Amarpur, District- Banka. At Presently posted at Area Co-ordinator,
Jivika Pariyojna, Block Office, Banka, District- Banka.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Yogesh Chandra Verma, Sr.Advocate
with Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 06.01.2016 passed by 1st Additional Sessions Judge, Banka, in ABP No. 944 of 2015, arising out of Banka SC/ST P.S.case No. 32 of 2015 instituted under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and 3(i)(x)(xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of pre-arrest bail to the appellant.

Allegation as per FIR against the appellant that she abused the informant by taking his caste name and the occurrence took place inside the house.



It has been submitted on behalf of the appellant that no case is made out against the appellant under the provisions of SC/ST Act and so far other offences are concerned, they are bailable.

Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellant, named above, surrender before the court below within four weeks and on her so surrendering the court below will release her on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Banka, in connection with Banka SC/ST P.S.Case No. 32 of 2015, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, he will co-operate in disposal of trial and make herself available as and when required by the court and on the event of failure on her part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of her bail and further she will not induce any witness or tamper with the evidence.



Accordingly, the appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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