

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2883 of 2017

Arising Out of PS.Case No. -34 Year- 2013 Thana -MADHEPURA District- MADHEPURA

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1. Anju Devi @ Mrs. Manju Devi, W/o Mr. Ajay Kumar Singh, Mukhiya,
2. Ajay Kumar Singh @ Mr. Ajay Kumar Singh, Son of Late Hira Prasad
Singh, Both R/o Village- Mahua, P.S.- Ghaiarh, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-11-2017 The appellants are apprehending their arrest in connection with Madhepura (Ghailarh) P.S. Case No. 34 of 2013, registered for the offences punishable under Sections 341, 323, 379, 353 and 504 of the Indian Penal Code and under Sections 3(1)(x) of the SC/ST Act.

Allegation against the appellants as per FIR is that when the informant has demanded Poshak Rashi from the appellants, she was abused by appellant no. 2 by taking caste name and also assaulted. So far as appellant no. 1 is concerned, there is general allegation against her and warning the informant.

It has been submitted on behalf of the appellants that appellants are innocent and have not committed any offence as alleged. The petitioners have falsely been implicated in this case.



Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that appellant no. 1 has no criminal antecedent and only general and omnibus allegation has been leveled against her, as such, this appeal is allowed and impugned order is set aside, let the appellant no. 1 namely Anju Devi @ Mrs. Manju Devi, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Madhepura in connection with Madhepura (Ghailarh) P.S. Case No. 34 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The appellant shall cooperate in the investigation and make herself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.



So far as appellant no. 2 namely, Ajay Kumar Singh @ Mr. Ajay Kumar Singh is concerned, in view of the fact that a *prima facie* case under the above mentioned Sections of SC/ST Act is made out against the appellant, as such, this appeal is not maintainable.

Let appellant no. 2 namely, Ajay Kumar Singh @ Mr. Ajay Kumar Singh surrender before the Special Court and make prayer for regular bail and, if any, such application is filed, the Special Court after considering the submission of the learned counsel for the appellant, shall pass an appropriate order and dispose of the prayer for bail of the appellant preferably on the same day, without being prejudiced by the order of this Court.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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