

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3131 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -SC/ST District- LAKHISARAI

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Babita Devi Wife of Kakku Takur, Resident of village English, Ward no.5,
P.S. Lakhisarai, District Lakhisarai

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-11-2017 Heard the parties.

The appellant seeks pre arrest bail in connection with Lakhisarai SC/ST P.S.Case No.35 of 16 (G.R.No.1733 of 2016) registered for offences punishable under Sections 341, 342, 147, 504, 323 and 307 of the Indian Penal Code and section 3(1)(r)(2)(XA) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is that she also assaulted the informant along with other accused persons.

Submissions of the learned counsel for the appellant is that there is no allegation of abusing by taking caste name and no specific allegation attributed against the appellant rather it is alleged that she along with the others has assaulted the informant. The appellant is a lady.

Heard learned Special P.P. also, who has oppose the prayer for bail.

Having considered both sides and in view of the fact



that there is no specific allegation so far Section 3 of S.C./S.T. (POA) Act is concerned and the appellant is a lady, let the appellant in the event of arrest or surrender before the court of Special Judge 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/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-I-cum-Special Judge, Lakhisarai in connection with Lakhisarai SC/ST P.S.Case No.35 of 2016 subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 3.3.2017 passed by Additional District and Sessions Judge-I-cum-Special Judge, Lakhisarai in A.B.P.No.798 of 2016 arising out of Lakhisarai SC/ST P.S.Case No.35 of 2016 (G.R.No.1733 of 2016), subject to further conditions that appellant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to be cancelled.

With the above observation, this appeal is allowed.

(Vinod Kumar Sinha, J)

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