

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1157 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Lalit Pandey @ Lalit Kumar Pandey, Son of Late Devendra Pandey
 2. Manju Devi, Wife of Late Navendra Pandey Both Resident of Village-
 Saidpur, P.S.-Chakmeshsi, Dist-Samastipur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar -Advocate

For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 04-02-2017 Heard learned counsel for the appellants as well as
 learned Special Public Prosecutor.

In the background of demand of money, which the complainant/ informant, a Member of Scheduled Caste, had given on the occasion of marriage of sister of appellant Lalit Pandey while he was sitting at Panchayat Bhawan on 11.09.2016, he indulged in an altercation and during course thereof, abused by calling her caste name as well as also stripped her, she was also assaulted with fists and slaps. He also snatched away one chain. Due to intervention of the family members, she was saved. There happens to be no allegation attributed against appellant no.2, Manju Devi.

In light of observation having made under



Bisheshwar Mishra and another v. State of Bihar reported in 2016(4) P.L.J.R. 1058, at the time of considering the prayer under Section 438 of the Cr.P.C., the allegation on its face is to be seen. There happens to be specific allegation against appellant no.1, Lalit Pandey @ Lalit Kumar Pandey and on account thereof, instant petition is found non-maintainable in the background of Section 18 of the S.C./S.T. (Prevention of Atrocities) Act whereunder prayer for anticipatory bail has been made non-permissible.

So far appellant no.2 is concerned, after setting aside the order impugned to her extent, appellant, **Manju Devi** 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 to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T., Samastipur in connection with Chakmehsi P. S. Case No.81 of 2016, in event of her arrest/surrender within four weeks from the date of receipt of the order and to that extent, instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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