

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.522 of 2017

Arising Out of PS.Case No. -52 Year- 2015 Thana -BHAPATIYAH I District- SUPAUL

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1. Chandrakala Devi @ Chandrika Devi, Wife of Ramrup Mehta, Resident of Baisa, Police Station- Bhaptiyahi, District- Supaul.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-05-2017 By way of this memo of appeal, preferred under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities)Act, appellant seeks for setting aside the order dated 24.02.2016, passed by learned designated Special Court of SC/ST Act. in Bhaptiyahi P.S. Case No. 52 of 2015, registered for offences punishable under Sections 328, 302/34 Indian Penal Code and Section 3(i)(x)(2)(5) of SC/ST Act, by which appellant's application for anticipatory bail has been rejected.

Allegation as per F.I.R is that son of the appellant forcibly put vermilion on the forehead of the informant's daughter and thereafter he administered poison to the informant's daughter and also consumed poison himself and during course of treatment, daughter of the informant died.

Learned counsel for the appellant submitted that appellant is not named in the F.I.R. Further from perusal of the



F.I.R itself, it will appear that no case under the above mentioned section of Indian Penal Code as well as SC/ST Act, is made out against the appellant. Appellant only happens to be the mother of the main accused of this case.

Learned Special Public Prosecutor could not controvert the above fact.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, let appellant, Chandrakala Devi @ Chandrika Devi, surrender before the court below within a period of six weeks, and on her surrender she shall be released on bail on furnishing bail bond of Rs. 25,000 (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned designated Special Court of SC/ST, Act, Supaul, in connection with Bhaptiyahi P.S. Case No. 52 of 2015, after setting aside the order dated 24.02.2016, passed by learned designated Special Court of SC/ST Act.-cum-Sessions Judge, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this appeal is allowed.

(Vinod Kumar Sinha, J)

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