

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3090 of 2017

Arising Out of PS.Case No. -727 Year- 2016 Thana -PHULWARI District- PATNA

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1. Chandravati Devi, Wife of Bishundev Prasad, Resident of Mohalla-Korzi
Mohammadpur, Police Station-Phulwari Sharif, District-Patna.

.... Appellant/s

Versus

1. The State of Bihar
2. Savitri Devi, Wife of Mandev Ravidas, Resident of Mohalla-Korzi
Mohammadpur, Police Station-Phulwari Sharif, District-Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Srivastava

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-11-2017 Heard the learned counsels for the appellant and the

Spl. P.P.

The appellant is aggrieved by the order dated
28.07.2017 passed by the learned 2nd Additional District &
Sessions Judge, Patna in connection with Phulwarisharif P.S. Case
No. 727/2016 instituted for the offences under Sections 341, 323,
504 and 506/34 of the Indian Penal Code and Sections 3 (i)(g) of
the SC/ST (Prevention of Atrocities) Act, 2016, whereby the
prayer for her being released on bail, in anticipation of her arrest,
has been rejected.

The informant, in the F.I.R., alleged that the
petitioner along with her relatives have forcibly captured the house



of the informant and when the informant protested, the accused persons including the appellant abused the informant by taking her caste name.

Learned counsel for the appellant has submitted that nothing specific has been alleged against the appellant, who is a lady. He has further submitted that, in fact, the informant and her family members had unduly encroached upon the government land which was meant for ingress and egress of the villagers. Since a complaint was made by the family of the appellant against such unauthorized encroachment by the informant and her family members, that the present case has been lodged.

No offence under any of the Sections of SC/ST Act can at all be said to have been made out. Those sections only appear to have been added so as to add colour and gravity to the offence.

Taking into account the fact that the appellant is a lady and that the present case, prima facie, appears to be a counterblast to the complaint lodged by the family of the appellant against the encroachment made by the informant and his family members, this Court deems it appropriate to set aside the order impugned dated 28.07.2017.

The appellant is directed to be released on bail in the



event of her surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, subject to her furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge, SC/ST Act, Patna in connection with Phulwarisharif P.S. Case No. 727/2016.

(Ashutosh Kumar, J.)

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