

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3095 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -SC/ST District- MUNGER

=====

Sulochana Devi, w/o late Lakhan Lal, s/o late Sukhdeo Ram, r/o Chhoti
Ashikpur, P.S. East Colony Jamalpur, District-Munger.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 30-11-2017 A supplementary affidavit has been filed on behalf
of the petitioner during course of the argument.

Let it be kept on record.

Heard the learned counsels for the appellant and the
Spl. P.P.

The appellant has put up a challenge to the order
dated 07.08.2017 passed by the learned 1st Additional Sessions
Judge, Munger in connection with SC/ST (Munger) P.S. Case No.
29/2017 instituted for the offences under Sections 147, 148, 323,
379 and 504 of the Indian Penal Code read with Sections
3(i)(7)(D) 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 of the case has alleged that the



appellant and others always used to look down upon the family and others associates of the informant because of their belonging to the community of the Scheduled Castes. It has also been alleged by the informant that the appellant along with others assaulted the informant and his wife and also snatched the belongings of his wife.

Learned counsel for the appellant has stated that the appellant was earlier married to one Achhe Lal Mandal, but later she married with Lakhan Lal, a member of the Scheduled Caste community, who is no more. That way, it has been argued, that the appellant also would fall under the category of Scheduled Castes' persons. That apart, it has further been argued, that the dispute is only with respect to the passage over the land, which is used for the egress and ingress of the local persons and over which the informant and his associates have encroached. Thus, it has been argued that no offence under any one of the provisions of the SC/ST (Prevention of Atrocities) Act can at all be said to have been made out against the appellant.

Considering the nature of accusation and the aforesaid facts, this Court is of the view that no offence under any one of the provisions of the SC/ST (Prevention of Atrocities) Act can at all be said to have been made out. As such, the order dated



07.08.2017 is set aside.

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 in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Munger in connection with SC/ST (Munger) P.S. Case No. 29/2017.

(Ashutosh Kumar, J.)

Rakhi

U		T	
---	--	---	--

