

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.313 of 2018

Arising Out of PS.Case No. -341 Year- 2017 Thana -RUPASPUR District- PATNA

- =====
1. Bittu Kumar, Son of Ravindra Rai.
 2. Neeta Devi @ Meeta Devi, Wife of Ravindra Rai. Both Resident of Village-Dhanaut, Post Office-Sahay Nagar, Police Station-Rupaspur, District-Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Mouar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 03-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T.)-cum-5th Additional Sessions Judge, Patna in Rupaspur P.S. Case No. 341 of 2017 registered under Sections 323, 341, 307, 354/34 of the Indian Penal Code as well as Section 3(1)(n) of the SC/ST Act.

According to First Information Report, appellant no. 1 Bittu Kumar, allegedly, caused injury at the neck of the daughter of the informant when the informant and others complained.



There is general and omnibus allegation against appellant no. 1 Bittu Kumar and appellant no. 2 Neeta Devi @ Meeta Devi who is mother of Bittu Kumar to have abused the informant by taking caste name. The Doctor has found a linear cut injury at the neck of the injured, though simple in nature.

Learned counsel for the informant opposed the prayer for bail on the ground that charge sheet has already been submitted in this case against the appellants.

Considering the nature of allegation against the appellant no. 1 Bittu Kumar, I am not inclined to enlarge him on anticipatory bail. Hence, prayer for anticipatory bail is refused.

Considering the general and omnibus nature of allegation against the appellant no. 2 Neeta Devi @ Meeta Devi as well as the fact that she is a female, let the appellant no. 2 Neeta Devi @ Meeta Devi, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant no. 2



shall fully cooperate with the investigation and trial of the case,
failing which the court below shall be at liberty to cancel the bail
bond of the appellant no. 2.

Accordingly, impugned order is set aside and this
appeal stands partly allowed.

(Birendra Kumar, J)

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