

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.184 of 2018

Arising Out of PS.Case No. -521 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Balmati Devi wife of Dhruv Sahani, resident of village- Jhakhiya, P.S.
Banjariya, District- East Champaran

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-01-2018

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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Turkauliya Police Station Case No.521 of 2017 registered under Sections 341/323/324/307/354/448/504/376/511/34 of the Indian Penal Code and Sections 3(i) (r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., the appellant, her husband and two sons entered into the house of the informant with intent to commit rape against her.

Learned counsel for the appellant submits that the prosecution allegation is highly improbable that a lady would



accompany her sons in commission of rape by her sons. The whole allegation is due to trivial dispute between the two families and this is a fragrant case of abuse of the process of law.

Learned counsel for the State opposed the prayer for bail on the ground that after investigation charge sheet has already been submitted under the provisions of SC/ST Act against the appellant. Cognizance has also been taken against the appellant. Hence, prayer be refused.

Considering the fact that perusal of the F.I.R. apparently discloses a case of false implication for the purpose of consideration of anticipatory bail of a female, hence, considering the special circumstance of this case, let the appellant, above named, 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/- (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 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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