

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1945 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -KUDHNI District- MUZAFFARPUR

- =====
1. Indrashan Devi, Wife of Late Julum Rai,
 2. Lalu Rai, Son of Late Julum Rai, Both resident of Village- Bakarpur, P.S.- Kudhani (Turki O.P.), District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunwar Ajit Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

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 vide order dated 18.05.2018 passed by learned Special Judge (SC/ST Act), Muzaffarpur, in A.B.P. No.1112 of 2018, arising out of Kudhani (Turki O.P.) Police Station Case No.49 of 2018, registered under Sections 341/323/504/307/333/353/34 of the Indian Penal Code, Section 37(c) of Bihar Excise Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Considering the direct allegation against appellant No.2 Lalu Rai to have abused the informant, a policeman, by taking his caste name and committed assault, I am not inclined to grant



anticipatory bail to appellant No.2 Lalu Rai. Hence, his prayer is refused.

Appellant No.1 Indrashan Devi is mother of appellant No.2 Lalu Rai. There is general and omnibus allegation against her.

Considering the general and omnibus nature of allegation as well as the fact that she is a female, 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) each 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, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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