

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2678 of 2018

Arising Out of PS.Case No. -242 Year- 2018 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Nirmala Devi, Wife of Vijay Mahto, resident of Village - Bagha, P.S. Begusarai
Town (Lohiyanagar O.P.), District - Begusarai.

.... Appellant

Versus

1. The State of Bihar.

.... Respondent

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Appearance :

For the Appellant : Mr.

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 vide order dated 26.06.2018 in A.B.A. No. 968 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Begusarai Town P.S. Case No. 242 of 2018 registered under Sections 147, 148, 149, 447, 323, 337, 338, 307, 427, 353, 109, 120B, 153A, 505, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s), 3(L)(v)(a) of the SC/ST Act.

The police had gone to settle the dispute between the two co-villagers, who were quarreling against each other, for land dispute. In that course, appellant instigated other to assault rather assaulted to the informant with iron rod causing injury at his head.

Submission is that the case diary would reveal that none of



the witnesses have supported the allegation that the appellant had caused injury at the head of the informant.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the nature of allegation, nature of material and the fact that the appellant is a female, 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 bond 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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