

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.4329 of 2018**

Arising Out of PS. Case No.-9 Year-2018 Thana- SC/ST BAGHA District- West Champaran

1. Pramila Devi, Wife of Shyam Sundar Dubey,
  2. Mamata Kumari @ Chhotaki, Daughter of Shyam Sundar Dubey,  
Both Residents of Village- Bagahi Sakhuani, Police Station-  
Gobardhana, District- West Champaran. .. ... Appellant/s
- Versus

The State of Bihar. . ... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Milind Kumar Mishra, Adv  
For the Respondent/s : Mr. Sri Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR  
ORAL JUDGMENT**

**Date : 17-12-2018**

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 bail by order dated 04.10.2018 in B.P. No.1965 of 2018 arising out of SC/ST Bagaha P.S.Case No.09 of 2018 passed by the learned Additional District and Sessions Judge 1<sup>st</sup>-cum-Special Judge (S.C./S.T. Act), Bettiah West Champaran, registered under Sections 341, 323, 447, 354(B), 379, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r)(s) (w)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Male members of the appellants family are also accused in this case. Allegation is that all family members of the appellants came to the house of the informant, co-accused-Shyam Sundar Dubey allegedly abused by taking caste name. The reason for occurrence



was to pressurize for withdrawal of earlier case.

Though there is allegation against the appellants of commission of assault causing injury at the head of the informant; submission is that civil dispute is reason behind the false implication. The civil dispute would be evident from Annexure-2.

Considering the entire facts of this case as noticed above as well as statement of the appellants that they have got no criminal antecedent and they are female, let the appellants, above named, be released on bail on furnishing bail bond 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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellants 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 appellants.

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

**(Birendra Kumar, J)**

Nitesh/-

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