

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.951 of 2018

Arising Out of PS.Case No. -18 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

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1. Asha Tiwari @ Asha Devi wife of Sri Shyam Bihari Tiwari Resident of
Village - Kathar, P.S. - Krishna Brahm, District - Buxar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Chandra Shekhar Azad, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 10-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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, Rohtas at Sasaram, in connection with SC/ST (Dehri) Police Station Case No.18 of 2017 registered under Sections 341/323/353/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant was assistant teacher in the school where the informant was in-charge Head Master. Allegation is of commission of abuse by taking caste name.

Submission of the learned counsel for the appellant is that in fact there is dispute between the two of holding chair of



Principal as the appellant was senior to the informant and just to pressurize the false case has been lodged which would be evident from the previous incident recorded vide different annexures including the memo of appeal.

Learned counsel for the informant opposed the prayer on the ground that there is direct allegation against the appellant and charge sheet has already been submitted in this case

Considering the entire backgrounds 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 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 impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

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