

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.220 of 2019

Arising Out of PS. Case No.-375 Year-2018 Thana- HARSIDHI District- East Champaran

Anita Devi, aged about 32 years (female), wife of Anil Paswan, resident of village- Chainpur, P.S.- Harsidhi, District- East Champaran, Motihari.
... Appellant/s

Versus

The State of Bihar Bihar

... Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar
For the Respondent/s : Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 20.11.2018 passed by the learned 1st Addl. Sessions Judge, East Champaran-cum-Special Judge, SC/ST Act, in ABP No. 3033 of 2018 arising out of Harshidhi P.S.Case No. 375 of 2018 registered under Sections 376/34 of the Indian penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per the FIR is that informant was going along with appellant to call for nature, in the meantime, one Shambhu Yadav came and dragged the informant to cane field and committed rape upon her.

Submission of learned counsel for the appellant is that



whatever allegation of rape is there i.e., against Shambhu Yadav and as the appellant is lady, so allegation against her is not made out.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, East Champaran-cum-Special Judge, SC/ST Act, in ABP No. 3033 of 2018 arising out of Harshidhi P. S. Case No. 375 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to her.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

