

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.671 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- SC/ST District- Muzaffarpur

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Lovely Kumari, Daughter of Hemanand Jha @ Hemu Resident of village
-Samaul, P.S.-Nagar, District-Madhubani, Presently Residing at House No.-
1283, Fourth Floor, N Block, Mukherjee Nagar, P.S.-Mukherjee Nagar Delhi
... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jagjit Roshan

For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-02-2019

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 18.01.2019 passed by the learned 11th Addl. Sessions Judge-cum-Special Judge, SC/ST Muzaffarpur in ABP No. 173 of 2019 arising out of Muzaffarpur SC/ST P.S.Case No. 40 of 2018 registered under Sections 323, 341,354B, 504 and 506 of the Indian penal Code and Sections 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that she along with other accused persons assaulted the informant also abused him by caste name by abusive language.

Submission of learned counsel for the appellant is that mother of the appellant has filed a title suit against the father of



of the informant for which present case has been lodged and though there is allegation under Section 354 of the Indian Penal Code but she is a lady and it is not believable that she along with her father has committed such offence.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned 11th Addl. Sessions Judge-cum-Special Judge, SC/ST Muzaffarpur in ABP No. 173 of 2019 arising out of Muzaffarpur SC/ST P.S.Case No. 40 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	

