

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2080 of 2019**

Arising Out of PS. Case No.-119 Year-2012 Thana- KAUWAKOL District- Nawada

FULWA DEVI Wife of Kapil Ram @ Kapil Ray Resident of Village-
Rupabel, P.S.- Khaira, Dist.- Jamui.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma

For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 30-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 27.02.2019 passed by learned 1st Additional Sessions Judge, Nawada in connection with Kowakole P.S. Case No. 119 of 2012 registered under Sections 366 A, 371, 372, 373, 376 & 120 B/34 of the Indian Penal Code and Section 3(1) (xi) 3 (2) (iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Grandmother of the informant, Urmila Devi taking the informant from her house sold her to Sant Ram. Later on Sant Ram and Sumer Lal took her to Uttar Pradesh where



Sant Ram kept for three months and established sexual cohabitation. Thereafter, Sumer Lal sold her out to Chet Ram and Chet Ram kept her for three years and established sexual cohabitation. She gave birth to a child. Thereafter on request Sumer Lal, Chet Ram, Loki Ram and Dal Chand took her to her aunt Gayatri Devi where appellant was present from where aforesaid accused persons including the appellant started negotiating to sell her out to Dal Chand. In the meantime on tip off police raided the house of her aunt and apprehended four accused persons while her aunt and Fulwa Devi (appellant) managed to escape.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has neither ever sold nor negotiated to sale out the informant to any person. She is a lady. She has no criminal antecedent and has been languishing in custody since 29.12.2018. Similarly situated co-accused persons, namely, Chet Ram, Sumer Lal and Dal Chand have been enlarged on bail by coordinate Bench of this Court vide order dated 13.03.2014,



23.06.2014 and 22.09.2014 passed in Cr. Misc. Nos.36174 of 2013, 17424 of 2014 and 19785 of 2014 respectively.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Nawada in connection with SPL (H) Case No.34 of 2017, arising out of Kowakole P.S. Case No. 119 of 2012.

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

(Prakash Chandra Jaiswal, J)

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