

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2516 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- SIKARPUR District- West Champaran

SUNDARAM DEVI @ CHANDANI DEVI Wife of Sri Abhay Kumar Upadhyay Resident of Village - Jaimangalapur, P.S.- Shikarpur, Distt. - West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 27-06-2019 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 referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No.145 of 2018 registered under Sections 341, 323, 354 & 504/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to be Supervisor in National



Rural Self Employment Programme and the informant has been working in her organization for last eight months. Informant collecting the money from about 700 persons from 20-25 villages deposited Rs.8 lakhs with the appellant and her brother-in-law Manjeet Pathak in the name of providing loan within 90 days for purchasing the cattles but on failure to accord them loan when the informant approached them, they slated her in the name of her caste.

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 ulterior motive. Appellant does not happen to be Supervisor of the aforesaid programme and none has made any complaint regarding depositing the amount with the appellant. The informant has not stated about slating the appellant in the specific name of her caste. She happens to be lady and has no criminal antecedent.

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 enlarged 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 Addl. Sessions Judge cum Special Judge, West Champaran at Bettiah in connection with Shikarpur P.S. Case No.145 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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