

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2770 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- SC/ST District- Siwan
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1. DHANESHWARI DEVI Wife of Ram Naresh Bhagat Resident of Village-Sadhokhar, P.S.- Hussainganj, District- Siwan.
2. Meera Kumari Daughter of Ram Naresh Bhagat Resident of Village-Sadhokhar, P.S.- Hussainganj, District- Siwan.

... .. Appellants

Versus

The State of Bihar

... .. Respondent
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Appearance :

For the Appellants : Mr. Raju Prasad, Advocate.

For the State : Mr. Binay Krishna, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellants and learned
APP for the State.

2. The present appeal has been filed “ *for setting aside the order dated 20.05.2019 passed in A.B.P. No. 684 of 2019 and A.B.P. No. 696 of 2019 by the learned Court of 1st Additional Sessions Judge-cum-Special Judge, Siwan in respect of Siwan SC/ST P.S. Case No. 08 of 2019 dated 14.03.2019 whereby and whereunder anticipatory bail of the appellants/petitioners are rejected.*”

3. It is submitted that the learned Court below has erred in rejecting the prayer for anticipatory bail on the ground of its non-maintainability. It is submitted that the F.I.R. has been lodged in a vengeful manner after an inordinate delay of about 22



days on 14.03.2019 for the alleged occurrence of 20.02.2019 and in retaliation to Hussainganj P.S. Case No. 48 of 2019 lodged by co-accused Jai Prakash Bhagat against the informant's son and others. It is submitted that the dispute between the parties arose out of taking water from a tap by the informant's son but in any event the accusation of using caste name is general and omnibus. The snatching of golden chain from the wife of the informant is mere embellishment. As many as 11 persons have been named in the F.I.R. of which 8 co-accused have been granted anticipatory bail by this Court in Cr. Appeal (SJ) No. 3466 of 2019. The appellants are ladies aged about 60 years and 18 years respectively who claim clean antecedents.

4. In the above circumstances, in the event of the appellants' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named appellants be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ ist-cum-Special Judge Siwan in connection with Siwan SC/ST P.S. Case No. 08 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the appellants.

(ii) That the appellants shall not indulge in any similar



offence till conclusion of the trial.

(iii) That the appellants shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the appellants shall be well represented in Court on each and every date during trial except as and when directed by the learned Court below to be physically present, and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The impugned order as concerns the present appellants is set aside. The appeal is allowed.

(Vikash Jain, J)

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