

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4592 of 2018**

Arising Out of PS. Case No.-235 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

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Sita Devi, W/o Surendra Paswan, Resident of Vill.- Chitkundi Bara P.S.-  
Ara(M), Dist.- Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh  
For the Respondent/s : Mr.Sri Sadanand Paswan

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**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 27.09.2018 passed by the learned 1<sup>st</sup> Addl. Sessions Judge, Bhojpur at Ara in ABP No. 1215 of 2018 arising out of Ara Muffasil P.S.Case No. 235 of 2018 registered under Sections 147, 148,149,302 and 120B of the Indian penal Code, 27 of the Arms Act and /3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR against the accused persons including the appellant is that on the order of this appellant and one co-accused Lal Baboo Yadav, accused Pradeep Paswan caught hold the husband of the informant and accused Surendra



Yadav shot him dead and accused Kanhaiya Yadav also fired at Panjara of her husband. On hulla, they all fled away.

Submission of learned counsel for the appellant is that no specific role has been assigned to the appellant though she is named in the FIR. Appellant herself belongs to scheduled caste and as such section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not be applicable against her and she has no criminal antecedent.

Heard learned Spl. P.P also who has opposed the prayer of bail of the appellant stating that in this case deceased was killed on the order of the appellant.

Having heard both sides and considering the fact that appellant is a lady, 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 1<sup>st</sup> Addl. Sessions Judge, Bhojpur at Ara in ABP No. 1215 of 2018 arising out of Ara Muffasil P.S.Case No. 235 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/-

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