

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3132 of 2019

Arising Out of PS. Case No.-503 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Lalita Devi Wife of Awadhesh Sharma Resident of Village - Marhiya Dih,
Barhi Tola, P.S.- Chhatauni, Distt - East Champaran.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

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Appearance :

For the Appellant/s : Mr. Bal Govind Sharma
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 05-09-2019 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 01.06.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge SC/ST Act, East Champaran at
Motihari in connection with Muffasil P.S. Case No. 503 of 2018
registered under Section 302/34 of the Indian Penal Code and
Section 3(a) 2 (v) (a) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant along with her son Amit Kumar and two



unknown miscreants are said to have eliminated the brother of the informant, namely, Sandeep Kumar by slating and assaulting on his genital organ by calling him by her mobile.

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 merely because she happens to be mother of Amit Kumar. Witnesses in paragraphs- 16 & 17 have unanimously stated that the Amit Kumar stabbed on the genital organ of the deceased which proved fatal. The doctor has found only one incised wound on the person of the deceased which rules out complicity of the appellant in the occurrence. As per the F.I.R., the appellant along with other accused persons assaulted the deceased but barring the aforesaid incised wound the doctor has not found any injury on the persons of the deceased. Though the appellant is said to have called the deceased at the place of occurrence by her mobile phone but the CDR report of the mobile of the deceased has not been brought on record in substantiation of the aforesaid case of the prosecution. Appellants happens to be lady. Appellant has no criminal antecedent and has been languishing in custody since 05.02.2019.



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 cum Special Judge SC/ST Act, East Champaran at Motihari in connection with Muffasil P.S. Case No. 503 of 2018.

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

(Prakash Chandra Jaiswal, J)

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