

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3543 of 2019

Arising Out of PS. Case No.-670 Year-2015 Thana- SASARAM NAGAR District- Rohtas

SUSHILA DEVI Wife of Hari Mohan Prasad Resident of Mohalla-
Nooranganj, P.S.-Sasaram Town, District-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dineshwar Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-11-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks pre-arrest bail in connection with Sasaram Town P.S. Case No. 670 of 2015 for the offence punishable under Sections 406, 420, 120(B), 341, 323, 504 of Indian Penal Code and Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act.

The allegation in the present case is that upon refusal of the informant to return back the loan amount taken from the accused persons, the accused persons had gone to the house of the informant and abused them by taking their caste name i.e. “*Dusardh and Chamar*” and had also assaulted them.

The learned counsel for the petitioner submits that the entire allegation is false and a general and omnibus allegation of



taking the caste name of the prosecution party has been levelled and the fact is that there is no specific allegation qua the petitioner herein of having done so. It is further submitted that the police has filed charge-sheet against the other accused persons except the petitioner herein. Lastly, it is submitted that there is a delay of two months in lodging the FIR and the petitioner is stated to be having a clean antecedent.

Heard the learned counsel for the parties.

Having regard to the aforesaid facts and circumstances of the case, I deem it fit and appropriate to direct the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/ production of a copy of this order and on surrender, the petitioner shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Court of learned Additional District & Sessions Judge, Sasaram, Rohtas in connection with Sasaram Town P.S. Case No. 670 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors of the appellant shall be a local person having sufficient immovable properties within the jurisdiction of court concerned and she has to co-operate in investigation,



otherwise her bail bonds shall be cancelled.

Accordingly, this appeal is allowed and the impugned order dated 9.7.2019 passed by the 1st Additional District & Sessions, Judge, Sasaram, Rohtas in connection with Sasaram Town P.S. Case No. 670 of 2015 is set aside.

(Mohit Kumar Shah, J)

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