

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3567 of 2019

Arising Out of PS. Case No.-396 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Shikha Kumari D/o Kumal Jha @ Kumal Kant Jha Resident of Mohalla-Koilakh, P.S.- Raj Nagar, Dist.- Madhubani, at present residing at House of Subhash Chandra Nirala, Astghati More, P.S.- Kabaiya, Dist.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 27-08-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 06.07.2019 passed by learned 1st Addl. District & Sessions Judge-cum-Special Judge, Lakhisarai in Lakhisarai P.S. Case No. 396 of 2019 registered under Sections 341, 323, 324, 326, 307 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have stabbed on the chest of the informant and also inflicted injury in her right palm on some altercation took place between them over a boy.



It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in this case. Alleged occurrence took place in the spur of moment, hence, no offence under Section 307 I.P.C. is made out. Doctor has found both the injuries as simple in nature though injury no. 1 has been opined as dangerous. Appellant happens to be lady having no criminal antecedent and has been languishing in custody since 19.05.2019.

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District & Sessions Judge-cum-Special Judge, Lakhisarai in connection with Lakhisarai P.S. Case No. 396 of 2019.

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

(Prakash Chandra Jaiswal, J)

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