

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3923 of 2019

Arising Out of PS. Case No.-327 Year-2019 Thana- BAHADURPUR District- Darbhanga

Zohra Khatoon Wife of Mohammad Hussain Resident of Village- Ughara,
P.S.- Bahadurpur (Pator O.P.), District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur Mrs. Babita Kumari Mr. Udbhav
For the Respondent/s	:	Mr. Binay Krishna

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

ORAL ORDER

2 16-09-2019 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 07.08.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Darbhanga in Bahadurpur P.S. Case No. 327 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with his father arrived to



plug flowing of rain water from above their toilet, co-accused Md. Imtaz and Md. Jakir slated them in the name of their caste and started assaulting his father. Other accused named in the FIR including the appellant were also involved in the occurrence. On the exhortation of Md. Imtaz, Md. Jakir shoving his father on the ground assaulted on his neck by means of butt of the spade, resultantly, his father died on the spot. Accused persons also assaulted him by means of fist.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case due to ulterior motive. Allegation levelled against the appellant is not specific rather general and omnibus in nature. There is no allegation of slating the informant and his father against the appellant. There is no specific allegation of assaulting the father of the informant against the appellant. Doctor has not found any external injury on the person of the deceased. Informant has not sustained any injury in the occurrence. Appellant happens to be lady. She has no criminal antecedent and has been languishing in custody since 09.07.2019.

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. Sessions Judge-cum-Special Judge, SC/ST (PoA) Act, Darbhanga in connection with Bahadurpur P.S. Case No. 327 of 2019.

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

(Prakash Chandra Jaiswal, J)

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