

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4160 of 2019

Arising Out of PS. Case No.-497 Year-2019 Thana- KHAGARIA District- Khagaria

1. Rambati Devi @ Ganga Devi Wife of Kshatri Yadav Resident of Village - Nanhku Mandal Tola, P.S.- Muffasil, Distt - Khagaria.
2. Soni Devi @ Sayana Devi @ Saini Devi Wife of Arun Yadav Resident of Village - Nanhku Mandal Tola, P.S.- Muffasil, Distt - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 07-11-2019 Heard learned counsel for the appellants 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 of anticipatory bail vide order dated 26.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Khagaria in Khagaria (Muffasil) P.S. Case No. 497 of 2019 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over row of damaging vegetable field of the



informant by the cattle of the appellants, appellants assaulted the informant and his wife by means of leg and fist and co-accused Ranjan Yadav assaulted the informant on his leg by means of butt of the gun slating them in the name of their caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to land dispute. I.O. after inspection of the place of occurrence, has not found vegetable field rather the maize crop field which belies the prosecution case. Injury on the leg of the informant as opined by the doctor is simple in nature. Though, opinion regarding injury on hand has been reserved but, final injury report has not been submitted after passing away of more than four months. Allegation levelled against the appellants is not specific rather general and omnibus in nature. There has been inordinate delay of eight days in lodging the FIR without assigning any plausible explanation for the said delay. Appellants happen to be lady and have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Khagaria in Khagaria (Muffasil) P.S. Case No. 497 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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