

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5483 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- DEO District- Aurangabad

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NIRMALA DEVI Wife of Suresh Prasad @ Suresh Prasad Gupta Resident of
Village - Chatti Bazar, P.S.- Deo, District - Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Singh

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-12-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal under section 14A(2) of the SC and ST (Prevention of Atrocities) Act has been preferred against the rejection of bail of the appellant vide order dated 20.11.2019 passed in A.B.P. No.1322 of 2019 arising out of Deo P.S. Case No. 116 of 2019 registered for offence under sections 341,323,307,504 and 34 of the Indian Penal Code and section 3(i)(r)(s) of the SC and ST (Prevention of Atrocities) Act.

As per allegation in the FIR, while the informant and others were returning from the morning walk it is stated that the accused persons including the appellant assaulted the informant and abused him in the name of his caste.



It is submitted by learned counsel for the appellant that from perusal of the F.I.R. itself it would be evident that the allegations are general and omnibus in the nature. There is no specific allegation as to which accused persons abused in the name of caste or who is said to have assaulted the informant. It is further submitted that there is a case and counter case between the parties. The counter case being narrated in the F.I.R. of Deo P.S. Case No.117 of 2019 which has been brought on record as Annexure-2 to the application. The appellant is 50 years old lady having no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the general and omnibus allegations in the F.I.R. together with the appellant being a lady with clean antecedent, this Court is inclined to enlarge the appellant above named on bail, in the event of her arrest or surrender within six weeks, 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, Aurangabad in connection with A.B.P. No.1322 of 2019 arising out of Deo P.S. Case No. 116 of 2019 subject to the conditions stipulated under section 438(2) of the Code of



Criminal Procedure.

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

(Partha Sarthy, J)

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