

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1030 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- BELHAR District- Banka

Neelam Devi Wife of Siya Ram Yadav Resident of Village - Sardda, P.S.-
Belhar, District- Banka, at present Block Pramukh, Belhar Block, P.S.-
Belhar, District- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pranav Kumar Jha
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 28-09-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 20-02-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Banka in A.B.P. No. 262 of 2020 (arising out of Belhar P.S. Case No 20 of 2020) registered for the offence punishable under Sections 364/34 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 25-12-2019 at about 3:00 AM, all the FIR named persons, including appellant, called informant's son from his home and co-accused Siya Ram Yadav abused by his caste name and also assaulted him, since there



was love affairs between his daughter and informant's son. It is further alleged that when informant came to save his son, he was also abused and assaulted. It is further alleged that this appellant is alleged to have given order to kill informant's son and disappear the dead body of informant's son.

It is submitted on behalf of appellant that appellant has been falsely implicated in this case and no case under the SC/ST Act is made out against her. From perusal of FIR, it is apparent that the alleged date of occurrence is 25-12-2019, but FIR has been lodged belatedly on 18-01-2020 and there is no explanation for the same. It is further submitted that present case is counter blast of a case lodged by co-accused Ram Balak Yadav against son of informant, vide Belhar P.S. Case No. 391 of 2019 (Annexure – 2) and only with a view to pressurize appellant's side, the present case has been lodged. The appellant is a lady, having no criminal antecedent.

Considering the aforesaid facts & circumstances, this appeal is allowed and the impugned order dated 20-02-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Banka in A.B.P. No. 262 of 2020 (arising out of Belhar P.S. Case No 20 of 2020) is set aside.

Accordingly, in the event of arrest or surrender within



a period of eight weeks from the date of receipt/production of copy of this order, let the appellant, as named above, 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 learned A.D.J.-I cum Special Judge, SC/ST Act, Banka in connection with Belhar P.S. Case No 20 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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