

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1310 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- AAYAR District- Bhojpur

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1. Rinku Devi W/o Anil Kumar Yadav R/o village- Baligaon, P.S.- Aayar,

District- Bhojpur

**2. Manju Devi W/o Dhanji Yadav R/o village- Baligaon, P.S.- Aayar, District
Bhojpur Appellant/s**

Versus

The State of Bihar

... ... Respondent/s

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Appearance

For the Appellant : Mr. Ramakant Sharma, Sr. Advocate

Mr. Rajesh Kumar, Advocate

For the State : Dr. Ajit Kumar, APP

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 01.06.2020

Heard learned counsel for the appellants and learned APP for the State through video conferencing.

The instant appeal has been preferred by the two appellants against the order dated 04.03.2020 passed in Special Case (SC/ST) no. 35 of 2020, (arising out of Aayar P.S. Case no. 14 of 2020 registered under section 363 of the Indian Penal Code and section 3(2) (v) of the SC/ST (Prevention of Atrocities) Act to which sections 302, 201, 120B and 34 of the Indian Penal Code were added subsequently) whereby the prayer for regular bail of the appellants was rejected and further for grant of regular bail to the appellants in the above case.

As per allegation in the FIR, when the son of the informant went to attend the call of nature, he did not return. It is stated that in spite of search, he was not found.



It is submitted by learned senior counsel for the appellants that the name of the appellants transpired in the confessional statement of co-accused Dhanji Yadav and Anil Kumar Yadav made before police. It is submitted that even as per the statement, no overt act is alleged against these two appellants who are ladies having no criminal antecedent and are in custody since 17.2.2020.

The appeal is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that no overt act is alleged against the appellants, they being ladies and both being in custody since 17.2.2020, the Court is inclined to allow the instant appeal. The order dated 04.03.2020 passed in Special Case (SC/ST) no. 35 of 2020 (arising out of Aayar P.S. Case no. 14 of 2020) by the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST (POA) Act, Bhojpur is hereby set aside and the appeal is allowed. Both the appellants are directed to be enlarged on bail in connection with Special Case (SC/ST) no. 35 of 2020 (arising out of Aayar P.S. Case no. 14 of 2020) on each of them furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur.

(Partha Sarthy, J)

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