

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1339 of 2020**

Arising Out of PS. Case No.-128 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Rita Pandey Wife of Bipin Bihari Pandey Resident of Village - Chainchak
Puraini, P.S.- Jagdishpur, Dist.- Bhagalpur ... Appellant
Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Alok Kr. Choudhary, Advocate
For the Respondent : Mr. Addl Public Prosecutor

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

2 29-09-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 1.6.2020, passed by learned Additional Sessions Judge III cum Special Judge, SC/ST, Bhagalpur in a case registered for the offence punishable under Sections 323/379 and other allied sections of the Indian Penal Code, sections 27/30 of the Arms Act and Section 3 (i) (r) (s), 3(ii)(va) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

The allegation against the appellant as per the First Information Report is that because of some previous dispute, on 9.4.2020 at about 9 am, the appellant and other accused persons came to the house of the informant, assaulted his family members and abused them calling the caste name. They also made firing. However, the same did not injure any one.

Learned counsel for the appellant submits that the appellant is an old lady and has falsely been implicated in this case. He further submits that the instant allegation against the appellant is vague and general in nature. Besides, the instant FIR is the counter blast of earlier case filed by the appellant



against the informant side bearing Jagdishpur Police Station Case No. 127 of 2020 dated 9.4.2020 (Annexure 2). Learned counsel further submits that no offence under the SC/ST Act is made out against the appellant.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 1.6.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, they shall be released on anticipatory 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 Additional Sessions Judge III cum Special Judge SC/ST Act, Bhagalpur in Jagdishpur Police Station Case No. 128 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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