

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1375 of 2020

Arising Out of PS. Case No.-278 Year-2020 Thana- AGAMKUAN District- Patna

=====

KUMARI CHITRA, aged about – 35 years, Gender – Female, W/o
Bhupendra Kr., R/o Village - Kumhrar Baithka Maligali, P.S.-Agamkuan,
District-Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok

For the Respondent/s : Mrs. Usha Kumari No. 1, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2020 Heard Mr. Alok Kumar Alok , learned counsel for the

appellant and Mrs. Usha Kumari No. 1, learned Spl. Public
Prosecutor appearing for the State through video conferencing.

This appeal is directed against the order dated
29.05.2020 passed by learned A.D.J.-VIII -cum-Special Judge,
SC / ST Act, Patna in A.B.P. No. 2488 of 2020 arising out of
Agamkuan P.S. Case No. 278 of 2020 registered for the offence
under Section 341, 323, 448, 504/34 of the I.P.C. & Section 3(1)
(r)(s) of the SC / ST Act whereby the prayer for anticipatory bail
of the appellant has been rejected.

The prosecution story as per the First Information
Report is that on 21.04.2020 at about 6.00 P.M. the co-accused
Ravindra Malakar came to the house of the informant and



demanded his ball back and when the informant refused, he abused the informant by her caste name and entered into the house alongwith other accused persons and assaulted by means of bricks due to which she received injuries over her nose, eye brows and right hand etc.

Learned counsel for the appellant submits that appellant has falsely been implicated in this case on a trivial issue and both the parties are close door neighbours. Learned counsel further submits that the co-accused Ravindra Malakar was playing cricket with his friends and the ball had entered the house of informant and the co-accused Ravindra Malakar arrived at the house of informant and demanded his ball back from her. Learned counsel further submits that from perusal of the F.I.R. it would be evident that the allegation of calling the informant by her caste name is upon Ravindra Malakar and not upon this appellant, who is sister -in -law of Ravindra Malakar.

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 29.05.2020 passed in A.B.P. No. 2488 of 2020 by learned A.D.J. VIII – cum- Special Judge, SC / ST Act, Patna 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, she 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 learned Special Judge, SC/ST Act, Patna in connection with Agamkuan P.S. Case No. 278 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

