

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1909 of 2020

Arising Out of PS. Case No.-90 Year-2020 Thana- HASPURA District- Aurangabad

1. Chinta Devi Wife of Shankar Ram Resident of Village - Dihuri, P.S. - Haspura, District - Aurangabad.
2. Shankar Ram Son of Pawitra Ram Resident of Village - Dihuri, P.S. - Haspura, District - Aurangabad.
3. Shashi Kant Kumar Son of Shankar Ram Resident of Village - Dihuri, P.S. - Haspura, District - Aurangabad.
4. Nirbhay Kumar Son of Shankar Ram Resident of Village - Dihuri, P.S. - Haspura, District - Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2020 At the outset, it was informed by learned counsel for appellants that during pendency of this appeal, appellant no. 2 (Shankar Ram), appellant no. 3 (Shashi Kant Kumar) and appellant no. 4 (Nirbhay Kumar) have been arrested and as such, he seeks permission to withdraw this appeal so far as appellants no. 2, 3 and 4 are concerned.

Permission granted. The appeal stands dismissed as withdrawn so far as appellant no. 2 (Shankar Ram), appellant no. 3 (Shashi Kant Kumar) and appellant no. 4 (Nirbhay Kumar) are concerned.



Heard learned counsel for the parties.

The present appeal has been filed against order dated 07-07-2020 passed by learned A.D.J.-I-cum-Special Judge, (SC/ST Act), Aurangabad in Haspura P.S. Case No. 90 of 2020 registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 3(i)(r), 3(2)(v) of SC/ST Act, whereby the prayer for anticipatory bail of appellant and other co-accused was rejected.

As per the prosecution case, while the informant was working in his house, all the FIR named accused persons, including this appellant, abused the informant by his caste name and thereafter, assaulted him (informant).

It is submitted on behalf of appellant that due to dispute for a piece of land, said occurrence has taken place and appellant has been falsely implicated in this case. There is general and omnibus allegation and no specific allegation has been alleged against this appellant. Appellant (appellant no. 1) is lady and has got clean antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 07-07-2020 passed by learned A.D.J.-I-cum-Special Judge,



(SC/ST Act), Aurangabad in Haspura P.S. Case No. 90 of 2020
is set aside and appeal is allowed.

Accordingly, let the appellant namely Chinta Devi, in
the event of arrest or surrender within a period of eight weeks
from the date of receipt/production of copy of this order, 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),
Aurangabad in connection with Haspura P.S. Case No. 90 of
2020.

(Prabhat Kumar Singh, J)

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