

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5406 of 2019

Arising Out of PS. Case No.-327 Year-2019 Thana- BAHADURPUR District- Darbhanga

NISHRAT KHATOON @ NISHRAT KHATUN W/o Mohammad Mukhtar
R/o village- Ughara, P.S.- Bahadurpur (Pator O.P.), District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 19.11.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Darbhanga in SC/ST Case No. 125 of 2019, arising out of Bahadurpur P.S. Case No. 327 of 2019 registered under Section 302/34 of the Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though the appellant is named in the F.I.R. but she is not one of the assailants of the deceased rather she is carrying general and omnibus allegation along with other male members



of the family.

Considering the fact that there is no direct material against the appellant who has got no criminal antecedent as well as the fact that the appellant is a female, non-grant of protection of law to the appellant would result in miscarriage of justice. Hence, let the appellant, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the



appeal is allowed.

(Birendra Kumar, J)

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