

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5628 of 2019**

Arising Out of PS. Case No.-42 Year-2019 Thana- SC/ST District- Banka

Neelam Devi, Wife of Anandi Sah, Resident of Village - Bhurna, P.S.-
Barahat, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-01-2020 Heard learned counsel for the appellant and the
learned Additional Public Prosecutor for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 20.11.2019 passed in A.B.P. No. 1608 of 2019, whereby and whereunder the learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Banka, rejected the prayer for pre-arrest bail of the appellant in connection with Banka SC/ST P.S. Case No. 42 of 2019, registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The prosecution case, in brief, is that in the midday of 05.10.2019, daughter of the informant had gone to cut the grass in Government ridge, where four persons named in the FIR including the appellant reached there and started to cause assault to her daughter, saying that why she cutting the grass. Thereafter, the informant reached there and saved her daughter then Manoj Sah laid her on the ground by catching her neck and all started to cause assault.

Learned counsel for the appellant submits that due to cutting grass in the field of the appellant and others hot talk were exchanged but with ulterior motive, the present case has been lodged with false allegation after five days. Further submission is that the appellant, who is lady, has no criminal antecedent.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, 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-I-cum-Special Judge, SC/ST, Banka, in



connection with Banka SC/ST P.S. Case No. 42 of 2019, subject
to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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