

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1171 of 2021

Arising Out of PS. Case No.-365 Year-2019 Thana- PIPRAKOTHI District- East Champaran

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Gyanti Devi, aged about 35 years, female, Wife of Sadhu Sahani, R/o village -
Watganj Chauk, P.S. - Piprakothi, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-09-2021 Heard Mr. Umesh Chandra Verma, the learned

Advocate for the appellant and Mr. Sadanand Paswan,

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

03.07.2020 passed by the learned 1st Addl. Sessions

Judge-Cum-Special Judge, SC/ST (POA) Act, East

Champaran at Motihari in connection with Piprakothi P.S.



Case No. 365 of 2019, instituted for the offences under Sections 147, 148, 149, 341, 342, 323, 332, 353 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby her prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that approximately 20 – 25 persons surrounded the police party when they had gone to arrest one Sadhu Sahani and another accused person against whom warrant of arrest had been issued. The appellant has been made accused in this case only because she happens to be wife of aforesaid Sadhu Sahani.

It has been submitted on behalf of the appellant that merely on account of the relationship with a warrantee, the appellant has been made accused in this case. Apart from this, it has been submitted that aforesaid Sadhu Sahani was taken into custody, but has been granted bail eventually.

It has, therefore, been submitted that without



there being any specific accusation against the appellant and her accusation being only on the basis of the relationship with the person who was arrested by the police, the offence under the S.C./S.T. (Prevention of Atrocities) Act cannot be said to have been made out against her as the accusation on that count is highly vague and over exaggerated.

Regard being had to the aforesaid submissions, the order dated 03.07.2020, referred to above, is set-aside.

The appellant, above-named, in the event of her arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 365 of 2019, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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