

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.613 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- PIPRAKOTHI District- East Champaran

SHOBHA DEVI Wife of Ranjeet Chaudhari, Resident of Village - Watganj,
P.S.- Piprakothi, Distt - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-03-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 13.01.2020 passed in A.B.P. No.3706 of 2019 by which the learned Special Judge, SC/ST Act, East Champaran, Motihari rejected the prayer for grant of anticipatory bail of the appellant in Piprakothi P.S. Case No.312 of 2019 registered under Sections 341, 323, 379, 504, 34 of the I.P.C. and under Section 3(1)(r) of the SC/ST Act.

The informant alleged that while he was sitting at his door, Mukhlal Choudhary, Ranjeet Choudhary, Yashwant Choudhary, Shobha Devi (appellant) and Mahaveer Sahni having armed with different weapons came at his door. Mukhlal Choudhary abused and assaulted him. The appellant Shobha



Devi is said to have threw her sleeper on the informant which hit on his mouth. Ranjeet Choudhary also assaulted him. On the order of Mahaveer Sahni, Yashwant Choudhary assaulted the informant with fists an slaps.

Learned counsel for the appellant submits that the appellant is a lady. In fact, the informant had taken money from her for pacifying the dispute between the two co-sharers of the appellant but the informant did not settle the dispute. When the appellant demanded money, the informant lodged this case making false allegation of assault.

Learned Special P.P., however, opposed the prayer for anticipatory bail and submits that there is allegation that the appellant threw her sleeper on the informant which hit the mouth of the informant.

It appears from perusal of the records that there is a case and counter case. The occurrence is of course alleged to have taken place on 20.09.2019 but the F.I.R. was lodged on 23.09.2019.

Taking into consideration the facts aforesaid and the fact that the appellant is a lady, the order dated 13.01.2020 is set aside. The appeal is allowed. The appellant above named, in the event of her arrest or surrender before the learned court below



within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Piprakothi P.S. Case No.312 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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