

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1725 of 2021

Arising Out of PS. Case No.-263 Year-2020 Thana- PATEPUR District- Vaishali

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1. SUNITA DEVI W/O SURESH SAH R/O VILLAGE BAZIDPUR KARTAR, P.S.-PATEPUR, DISTRICT-VAISHALI.
 2. JITENDRA SAH S/O R/O VILLAGE BAZIDPUR KARTAR, P.S.-PATEPUR, DISTRICT-VAISHALI.

... .. Appellants.

Versus

THE STATE OF BIHAR

... .. Respondent.

Appearance :

For the Appellants : Mr. Nachiketa Jha, Advocate.
For the State : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the appellants remove the defect(s), as pointed out by the Stamp Reporter, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the appellants, through Video Conferencing, submits that the appellant no.2, namely, Jitendra Sah, has already been arrested by the police in this case and, as such, this appeal filed under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in respect of the appellant no.2, namely, Jitendra Sah, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this



appeal in respect of the appellant no.2, namely, Jitendra Sah.

Permission is accorded.

This appeal in respect of the appellant no.2, namely, Jitendra Sah, is dismissed as withdrawn.

Now, this appeal for granting the privilege of pre-arrest bail to the appellant no.1, namely, Sunita Devi, is being considered, through Video Conferencing.

Heard learned counsel for the appellant no.1, namely, Sunita Devi, and the learned Special P.P. 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 19.01.2021 passed in A.B.P. No.78 of 2021, whereby and whereunder the 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, Vaishali at Hajipur, rejected the prayer of the appellant no.1, namely, Sunita Devi, for granting her the privilege of pre-arrest bail in connection with Patepur P.S. Case No.263 of 2020 registered under Sections 147, 149, 341, 323, 325, 307, 504, 506 and 354 of the Indian Penal Code besides Sections 3(i)(r)(s) of the SC & ST Act.

The prosecution case, in brief, is that Anita Kumari, the younger daughter of the informant Bipati Devi, urinated over



the land, which was not belonging to her, due to that reason, Sunita Devi (appellant no.1), Jitendra Sah, Dharmendra Sah alias Monu, Manish Sah alias Bhola Sah, Shivnarayan Sah and Madhuri Kumari, having lathi, danda, iron rod and farsa caused assault to the informant and her three daughters, namely, Janki Devi, Sujeeta Kumari and Anita Kumari. Due to assault, the informant received fracture injury on her hand, whereas her three daughters, namely, Anita Kumari, Janki Devi and Sujeeta Kumari have also sustained fracture injury in their hands. At that time, Sunita Devi (appellant no.1) and her family members were abusing to the informant denoting her caste name. Since the husband of the informant has already died, due to that reason, all used to cause assault to her and her family members.

Learned counsel for the appellant no.1, namely, Sunita Devi, submits that the injury of the informant, Bipati Devi, which is on her right shoulder, is grievous in nature, whereas out of the two injuries of Anita Kumari, one injury, which is on her left arm, is grievous in nature and another injury is simple in nature. The injury of Sujeeta Kumari and Janki Devi is simple in nature. Further submission is that the appellant no.1, namely, Sunita Devi, who is lady, while is named in the F.I.R. but no specific overt act is attributed to her.



Having considered the facts and the circumstances of the case and considering the nature of allegation against the appellant no.1, namely, Sunita Devi, I am not inclined to grant the privilege of pre-arrest bail to the appellant no.1, namely, Sunita Devi. Accordingly, the prayer of the appellant no.1, namely, Sunita Devi, for grant of privilege of pre-arrest bail stands rejected. However, the appellant no.1, namely, Sunita Devi, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this appeal in respect of the appellant no.1, namely, Sunita Devi, is dismissed and this appeal is disposed of.

(Rajendra Kumar Mishra, J)

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