

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.817 of 2020

Arising Out of PS. Case No.-521 Year-2019 Thana- PARSABAZAR District- Patna

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1. Manju Devi, Female, aged about 68 years, Wife of Late Arun Sah, Resident of Village Purani Parsabazar, P.S. Parsabazar, District Patna.
 2. Ravi Sah @ Ravi Sao, Male, aged about 40 years, Son of Late Arun Sah, Resident of Village Purani Parsabazar, P.S. Parsabazar, District Patna.
 3. Raja Sah @ Raja Sao @ Raja Sha, Male, aged about 30 years, Son of Late Arun Sah, Resident of Village Purani Parsabazar, P.S. Parsabazar, District Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Soni Shrivastava
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-03-2021 Heard Mrs. Soni Shrivastava, the learned counsel for the appellants and the learned Special P.P.

Learned counsel for the appellants submits that appellant no.2, Ravi Sah @ Ravi Sao and appellant no.3, Raja Sah @ Raja Sao @ Raja Sha have already been arrested and, therefore, their appeal has become infructuous.

Accordingly, the appeal on behalf of appellant no.2, Ravi Sah @ Ravi Sao and appellant no.3, Raja Sah @ Raja Sao @ Raja Sha is dismissed as withdrawn.

The appellant no.1 filed this appeal under Section 14A(2) of the SC/ST Act against the order dated 23.01.2020, passed in ABP No.537 of 2020, by which the learned Additional



Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna rejected the anticipatory bail petition of the appellant in Parsa Bazar P.S. Case No.521 of 2019, registered under Sections 341, 323, 354(B), 307, 337, 338, 504, 506 and 34 of the Indian Penal Code and under Section 3(i)(r) of the SC/ST Act.

The informant made specific allegation against Ravi Sao and Raja Sao, who are not the appellants, that they caught her with ill motive and when she raised hue and cry, the accused persons assaulted her and left her house. When her husband, Awadhesh Choudhary came, both the accused assaulted him with bricks and iron rod. At the fag end of the FIR, the informant alleged that Manju Devi, the mother of Ravi Sao and Raja Sao, other two accused, also assaulted the informant and her husband with bricks.

Learned counsel for the appellant submits that the appellant is a lady. The appellant has been implicating on account of enmity. Specific allegation of assault is made against Ravi Sao and Raja Sao. Earlier also the husband of the informant lodged the case against the appellants and the same is still pending.

The learned Special P.P. opposed the prayer for anticipatory bail and supports the order rejecting the prayer for anticipatory bail.

Having considered the submissions and on perusal of



the records, I find that appellant no.1 is a lady and allegation is made against both the sons of the appellant that they assaulted the informant and her husband. Later on the appellant is also added in the body of the FIR and the informant alleged that she also assaulted her and her husband with bricks, therefore, I find that appellant no.1 deserves anticipatory bail.

Accordingly, the appeal is allowed. The order dated 23.01.2020, passed by learned Additional Sessions Judge-VII-cum-Special Judge, SC/ST Act, Patna in ABP No.537 of 2020 is set aside.

Appellant No.1, above named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 the learned ADJ (VIII) cum Special Judge, (SC/ST Act), Patna in connection with Parsa Bazar P.S. Case No.521 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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