

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1745 of 2021**

Arising Out of PS. Case No.-131 Year-2020 Thana- ARA NAWADA District- Bhojpur

SHOBHA DEVI @ SHOBHA PRASAD Wife of Late Shiv Narayan Prasad
R/o Village - Anitah Bajari, P.S.- Ara Nawada, District - Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mohit Shriwastava, Advocate.
For the Respondent/s : Mr. Binay Krishna, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 16-07-2021 As prayed for, learned counsel for the appellant is permitted to make correction in the year of P.S. case number mentioned in prayer portion of the bail petition.

Let the defects be removed within four weeks of the start of the physical Court.

Heard the parties in virtual Court.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 03.03.2021 by the learned 1st Addl. Sessions Judge, Bhojpur at Ara in A.B.P. No. 557 of 2021, arising out of Ara Nawada P.S. Case No. 131 of 2020 registered under Sections 420, 406, 467, 468, 471, 323 and 504 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complaint based F.I.R. would reveal that due to dispute arising out of an agreement to sale the land, the allegation of different offences of the Indian Penal Code and offence under SC/ST Act is there. Appellant is a female aged about 72 years. She has got no criminal antecedent.

Non-grant of protection to the appellant in the aforesaid factual scenario of land dispute would amount to failure of justice. Hence, let the appellant, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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