

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2521 of 2021**

Arising Out of PS. Case No.-47 Year-2019 Thana- RIGA District- Sitamarhi

MANJU DEVI Wife of Naresh Paswan Resident of Village - Bhabhangama,
P.S.- Riga, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Ashok Kumar Jha, learned counsel

for the appellant and Mr. Binay Krishna, learned Spl. PP

for the State.

The appellant has challenged the order dated
05.07.2019 passed by the learned Ist Additional
Sessions Judge-cum-Special Judge (SC/ST) Act,
Sitamarhi in A.B.P. No. 491 of 2019/121 of 2019,
arising out of Riga P.S. Case No. 47 of 2019, whereby
the prayer made on behalf of the appellant for grant of
pre-arrest bail for the offences under Sections 147, 148,
149, 323, 332, 333, 427, 506 and 353 of the Indian
Penal Code and Sections 3(i)(s) of the SC/ST Act has



been rejected.

The FIR has been registered at the instance of the officer-in-charge of the concerned police station who has alleged that while two groups of people were fighting amongst each other over the issue of immersion of a statue, some members of the mob abused the police party by taking their caste name. Initially, no case was registered under the SC/ST (Prevention of Atrocities) Act but the provisions of the aforesaid Act was inserted in the case only on the recommendation of the Dy. S.P. who has supervised the case. Two of the accused persons of this case have been granted the privilege of anticipatory bail by a Bench of this Court.

Nothing specific has been alleged against the appellant and she has been made accused in this case only because she is associated with one group.

For the reasons aforestated and taking into account the gender of the appellant, the order dated 05.07.2019 is set aside.



The appeal stands allowed.

On the appellant surrendering before the court below within a period of eight weeks, she shall be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Sitamarhi in A.B.P. No. 491 of 2019/121 of 2019, arising out of Riga P.S. Case No. 47 of 2019.

(Ashutosh Kumar, J)

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