

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2656 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- WAJIRGANJ District- Gaya

SHABRA KHATOON Wife of Sadiq Ansari Resident of Village- Dadaur,
Post- Tarwan, Police Station- Wazirganj, District- Gaya. Appellant/s
Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Dharendra Pratap Singh, Advocate
For the Respondent/s : Mr. Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-06-2021 Heard learned counsel for the appellant and learned A.P.P.
for the State through video conferencing.

The appellant has filed the instant appeal against the order dated 9.2.2021 passed in B.P. no. 80 of 2021 by the learned Special Judge, SC/ST Act, Gaya whereby the prayer for bail of the appellant in connection with Wazirganj P.S. Case No. 303 of 2020 registered under sections 302, 120B and 34 of the Indian Penal Code and sections 3(1)(r)(s) of the SC & ST (POA) Act was rejected.

As per allegation in the F.I.R., it is stated that over a dispute relating to toddy, the mother of the informant is stated to have asked the appellant and his son not to take toddy from the tree. It is further stated that on this the son of the appellant herein assaulted the mother of the informant as a result of which she was injured and died in course of treatment.

It is submitted by learned counsel for the appellant that from perusal of the F.I.R. itself it would be evident that the



allegation of overt act, even as per the F.I.R. is on the co-accused son of this appellant. No overt act has been alleged against this appellant who is a lady having no criminal antecedent. She is in custody since 15.1.2021.

The appeal is opposed by learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including no overt act having been alleged against this appellant, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 9.2.2021 passed by learned Special Judge, SC/ST Act, Gaya in B.P. no. 80 of 2021 is set aside.

The appellant is directed to be enlarged on bail in connection with Wazirganj P.S. Case No. 303 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya.

(Partha Sarthy, J)

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