

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1566 of 2020

Arising Out of PS. Case No.-359 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Bimla Devi Wife of Late Ram Ayodhya Pandey Resident of Village- Chaurai,
P.S.- Udwant Nagar, District- Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Ashok Kumar Singh, Advocate
For the State	:	Ms.Usha Kumari No.1,Spl.P.P.
For the Informant	:	Mr. Sunil Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2021 Heard learned counsel for the appellant, learned Special P.P. for the State as well as learned counsel for the informant.

The present appeal has been filed against order dated 01-06-2020 passed by learned 1st Addl. Sessions Judge, Bhojpur, Arrah in A.B.P. No. 616 of 2020, arising out of Udwant Nagar P.S. Case No. 359 of 2019 registered for the offence punishable under Sections 406, 420, 504, 506, 427/34 of the Indian Penal Code and Section 3(i)(r)/3(2)(va) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

In sum and substance, the allegation against this appellant is that she executed the sale-deed in favour of informant by mentioning wrong *khata* number and when the



informant protested, he was abused and threatened that he would be killed.

It is submitted on behalf of appellant that this is a case of purely civil dispute, but allegations have been made giving it a colour of an offence under the SC/ST Act. No case under the SC/ST Act is made out against this appellant. It is further submitted that other co-accused persons have already been granted anticipatory bail by this Court, vide order dated 09-12-2019 passed in Cr.Appeal (SJ) No. 5365 of 2019 (Annexure – 2 to the memo of appeal). The appellant is a lady and has no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Learned Spl. P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail.

However, considering the aforesaid facts & circumstances as well as the fact that appellant is lady and has got clean antecedent, the impugned order dated 01-06-2020 passed by learned 1st Addl. Sessions Judge, Bhojpur, Arrah in A.B.P. No. 616 of 2020, arising out of Udwant Nagar P.S. Case No. 359 of 2019, is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the



event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this 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 learned 1st Addl. Sessions Judge, Bhojpur, Arrah in connection with Udwant Nagar P.S. Case No. 359 of 2019.

(Prabhat Kumar Singh, J.)

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