

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2001 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Munger

Sulekha Devi aged about 40 years W/o Vilas Yadav @ Bilash Yadav Resident
of Village - Pirpahad Taufir, P.S.- Mufassil, Distt.- Munger ... Appellant

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellant : Mr.Prashant Kumar, Advocate

For the Respondent : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 2.9.2020, passed by learned Additional Sessions Judge I, Munger in a case registered for the offence punishable under Sections 323/34 and other allied sections of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby anticipatory bail of the appellant has been rejected.

As per the prosecution case, on 17.8.2020 at 7 am all the nine named accused persons including the appellant abused the informant by calling caste name. Accused persons also assaulted the informant by lathi and pelted stone as a result of which his son received injury on the head.

Learned counsel for the appellant submits that there is general and omnibus allegation against the petitioner and no specific overt act has been alleged against her. Further, there is no allegation of assaulting the informant and abusing him by



caste name. There is land dispute between the parties. No offence under the SC/ST Act is made out against the appellant.

Learned counsel for the state and the informant on the other hand oppose the prayer for bail and submit that the appellant also participated in the alleged occurrence.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 2.9.2020, is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within eight weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I Munger in Munger SC/ST Police Station Case No. 22 of 2020.

(Prabhat Kumar Singh, J)

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