

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3188 of 2021**

Arising Out of PS. Case No.-91 Year-2021 Thana- BANIAPUR District- Saran

RESHMA DEVI D/o SRI VIDYA PRASAD R/o VILLAGE-HARPUR KE
TOLA, P.S-BANIYAPUR, DISTRICT-SARAN AT CHAPRA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Kumar Anand, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 24-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellant and the learned Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 17.7.2021 passed by the learned 1st



Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra, arising out of Baniyapur P.S. Case No. 91 of 2021 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 and 504 of the Indian Penal Code, and Sections 3(1)(r)(s) and 2(v) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 17.7.2021.

Informant has allegedly assault by seven persons including the appellant. As a result of indiscriminate assault family members of the informant and father has sustained injuries. The father has succumbed to injuries.

It is submitted by learned counsel for the appellant that as per prosecution case the fatal assault is attributed to co-accused, namely, Suryabali Prasad, Vidhya Prasad and Kailash Prasad against the other accused persons including the appellant who is a female, there is general and omnibus allegation. He submits that the occurrence has taken place due to a dispute between the parties and even the female members including the appellant have been made accused on extraneous considerations. She bears clean antecedent and is in custody since 2.7.2021.

Learned Special PP has opposed the prayer for bail. It is submitted that appellant is named accused.

Considering the rival submissions, this Court is



inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Baniyapur P.S. Case No. 91 of 2021

In the result, the appeal is allowed and the impugned order dated 17.7.2021 is set aside.

(Madhuresh Prasad, J)

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