

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.219 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Sarwashati Devi @ Mintu Devi W/O Tuntun Pandit Daughter Of Shiojee
Pandit, R/O-Chiwtahan, P.S.-BAIKUNTHPUR, District-Gopalganj

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Prasad, Advocate

For the Respondent/s : Mr.Vinod Shankar Modi, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State through virtual mode.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 341, 323, 324, 447, 504/34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short, is that co-accused Chandan Pandit assaulted the informant's nephew by mean of knife, due to which he sustained injury on his eye and also abused him by taking his caste name. Co-accused Manish Pandit



and the appellant also assaulted the informant with lathi and danda.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The appellant is a lady. The specific allegation of assault is alleged against the co-accused Chandan Pandit, who is alleged to have assaulted the victim. The nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 16.10.2020, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Gopalganj vide A.B.P. No.1550 of 2020 in connection with Baikunthpur P.S. case No.126/20, is set aside. The criminal appeal is allowed.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her



personal bond to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Gopalganj in connection with Baikunthpur P.S. case No.126/20.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

