

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.796 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- GARKHA District- Saran

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Sona Devi, Wife of Manoj Rai, Residence of Village - Pirari, P.S. - Garkha,
Distt. - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Adv.

For the Respondent/s : Mr. Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-07-2021 Heard Mr. Vijay Kumar, the learned Advocate for

the appellant and the learned Special Public Prosecutor for

the State.

The appellant has challenged the order dated
12.11.2020 passed by the learned 1st Addl. Sessions Judge-
Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Garkha P.S. Case No. 291 of 2020,
instituted for the offences under Sections 341, 323, 324,



379, 354 and 504/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby her prayer for grant of anticipatory bail has been rejected.

It has been alleged by the informant that while she was returning home along with her granddaughter, one Manoj Rai started teasing her granddaughter. When she protested, she was assaulted and abused by aforesaid Manoj Rai. The appellant, who is the wife of aforesaid Manoj Rai, is said to have attacked the informant by a sharp cutting weapon on her head as a result of which she received injuries.

It has been submitted on behalf of the appellant that because of some dispute between the neighbours (the informant is a neighbour of the appellant), this case has been lodged. The informant has been successful in sending the husband of the appellant in jail in this case. However, the appellant has been granted bail by the Court below. It has further been submitted that the injuries suffered by the



informant is reported to be simple in nature and the act of abusing the informant or teasing the granddaughter of the informant is not on the appellant, but on her husband.

The learned counsel for the appellant has, therefore, submitted that in order to frame the entire family of aforesaid Manoj Rai, this absurd allegation has been levelled against her as well. Apart from this, it has been submitted that the appellant being the wife of Manoj Rai would not have permitted him to tease a young girl in her presence. It, therefore, appears that deliberately the name of the appellant has been added in the list of the accused persons. So far as the appellant is concerned, there is no accusation against her attracting allegation under the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

Regard being had to the aforesaid submissions, the order dated 12.11.2020, referred to above, is set-aside.

The appellant, above-named, in the event of her arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on



her furnishing bail-bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned 1st Addl. Sessions Judge-
Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Garkha P.S. Case No. 291 of 2020, subject
to the conditions laid down under Section 438(2) of the
Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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