

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.691 of 2021**

Arising Out of PS. Case No.-983 Year-2018 Thana- SONEPUR District- Saran

TETARI DEVI W/o Late Bhrigunath Sharma @ Chulhai Resident of Village-
Anandpur, P.S.- Sonepur, Distt- Saran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 28-06-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through video
conferencing.

The appellant has preferred this appeal against the order dated 14.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra whereby the prayer for bail of the appellant in connection with Sonepur P.S Case No. 983 of 2018 registered under sections 366A and 120B of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(v)(a) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, it is stated that the appellant along with others took the minor daughter of the informant to the market from where the informant's minor daughter



disappeared. It is further stated that on the informant going to the appellant to make inquiries, he was abused in the name of his caste.

It is submitted by learned counsel for the appellant that the allegations as levelled against the appellant in the FIR are false and incorrect. She has committed no offence much less the offence alleged. She is in custody since 17.10.2020. There is no explanation for the delay of 19 days in lodging of the FIR. A number of co-accused including Arti Devi, Rani Devi and Kameshwar Sharma have been enlarged on anticipatory bail vide order dated 6.1.2020 passed in Cr. Appeal (SJ) no. 2976/2019.

The appeal is opposed by the learned Special Public Prosecutor appearing for the State.

Having heard learned counsel for the parties and taking into consideration the chargesheet in the case having been submitted, the appellant having remained in custody for over 8 months and grant of anticipatory bail to co-accused Arti Devi, Rani Devi and Kameshwar Sharma by the aforesaid order dated 6.1.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 14.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge,



SC/ST, Saran at Chapra is set aside.

The appellant is directed to be enlarged on bail in connection with Sonpur P.S Case No. 983 of 2018, on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Saran at Chapra.

(Partha Sarthy, J)

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