

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.218 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

PRIYANKA SINHA Wife of Jai Prakash Sinha Resident of Village-
Jagdishpur, Police Station- Kalyanpur, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Sanjay Kumar Tiwari, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Victim		Mr. Rajesh Kr. Verma, Adv. Mr. Shashi Bhushan Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-03-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 01.12.2021, passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332 and 171 (F) of the IPC, Section 27 of the Arms Act, Sections 3 DP Act and Sections 131, 134(b), 135 and 135(A) of the RP Act and Sections 3 (1) (r) (s) of the SC/ST Act.

Appellant along with other accused persons are said to



have attacked on the polling station, brutally assaulted the police personnel and destroyed the EVM Machine.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no allegation against the appellant to abuse the informant by taking caste name, therefore, no case under SC/ST Act is made out against her. He submits that appellant is a lady and having been elected on the post of Mukhiya. He submits that having apprehension of arrest, she has been made unable to take oath till date. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and victim oppose the prayer for bail and submit that the appellant is involved the present case.

Informant is the police officer and is represented by Special PP for the State, therefore, notice is not required to him.

Considering the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned Special PP for the State is directed to communicate this order to the Superintendent of Police concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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