

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1100 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- NAUTAN District- Siwan

1. PRIYANKA DEVI Wife of Gangadhar Mahto Resident of Village- Galimapur, P.S.- Nautan, District- Siwan.
2. Nayana Kumari @ Munni Kumari Daughter of Lal Bahadur Chauhan @ Lal Bahadur Mahto Resident of Village- Galimapur, P.S.- Nautan, District- Siwan.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

with

CRIMINAL APPEAL (SJ) No. 1123 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- NAUTAN District- Siwan

RINKI DEVI @ RINKI KUMARI W/O AJAY CHAUHAN R/O VILLAGE- GALIMAPUR, P.S.-NAUTAN, DISTRICT-SIWAN.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1100 of 2021)

For the Appellant/s : Mr.Bijay Prakash Singh

For the Respondent/s : Mr.A.G.

(In CRIMINAL APPEAL (SJ) No. 1123 of 2021)

For the Appellant/s : Mr.Bijay Prakash Singh

For the Respondent/s : Ms. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 05-09-2022 Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the appellants as well as learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the appellant



under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 17.12.2020 passed by the learned Additional 1st Additional District and Sessions Judge-cum-Special Judge, Siwan in A.B.P. No. 2602 of 2020 arising out of Nautan P.S. Case No. 99 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 354, 307, 302, 504, 506, 509 of the Indian Penal Code & Section 3(2)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants have been rejected.

Learned counsel for the petitioner has submitted that the specific allegation of assault on the person of deceased is only on co-accused Lal Bahadur Chauhan, Ajay Chauhan and Dhannu Chauhan. There is no allegation against the petitioners of assaulting the deceased. The petitioners are unmarried girls and it was the reason of their false implication He has submitted further that the case of the petitioners is on better footing than that of Jai Kishun Bhagat who has been granted anticipatory bail by this Court. The petitioners are the persons of clean antecedents.

As such, the appeal is allowed and the impugned order dated 17.12.2020 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Siwan is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Siwan in connection with Nautan P.S. Case No. 99 of 2020.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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