

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.681 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- HALSI District- Lakhisarai

PINKI KUMARI D/o Baleshwar Ram Resident of Village - Gohri, P.O.-
Nandnama, P.s.- Ramgarah Chowk, Distt.- Lakhisarai, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Tanti Son of Sado Tanti Resident of Village - Nandnama, P.s.-
Ramgarah Chowk, Distt.- Lakhisarai, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Aryan Sinha
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Kumar Gaurav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-09-2022 Heard learned counsel for the parties.

The present appeal has been filed against order dated 04.02.2022 passed by learned A.D.J.-I cum Special Judge, Lakhisarai in Halsi Ramgarh Chauk P.S. Case No. 2 of 2022 registered for the offence punishable under Sections 379, 307 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r) and 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as SC/ST Act), whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 02.01.2022 at about 1.15 PM, all the F.I.R. named accused including this appellant



alongwith three unknown persons came and started abusing informant by his caste name and thereafter, started assaulting the informant side. This appellant is alleged to have provided arms and ammunition to other co-accused person, who caused fire-arm injury to the informant and his brother.

It is submitted on behalf of appellant that appellant is lady and she is not alleged to have fired. Only allegation against this appellant is that she provided arms to co-accused, who fired on the informant side. As per F.I.R. itself, the alleged incident occurred at the door of the informant and as such, no case under the SC/ST Act is made out. The reason behind the occurrence is said to be land dispute between the parties.

However, learned Special P.P. and learned counsel for the informant vehemently oppose the prayer for bail and submit that appellant is named in the F.I.R. and there is specific allegation against her that she provided arm and ammunition to co-accused, which was used in the alleged occurrence.

Considering the fact that appellant, who is lady, is not the person, who caused fire-arm injury to the injured and no case under the SC/ST Act is made out, let the above-named appellant, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I cum Special Judge, Lakhisarai in connection with Halsi Ramgarh Chauk P.S. Case No. 2 of 2022.

Accordingly, the impugned order dated 04.02.2022, so far as appellant is concerned, is set aside and this appeal is allowed.

(Prabhat Kumar Singh, J)

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