

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4190 of 2021**

Arising Out of PS. Case No.-80 Year-2017 Thana- SHASTRINAGAR District- Patna

SAPNA KUMARI W/o- SRI SATYENDRA PRASAD Resident of Flat No.12/12 officer, P.S.- Shastri Nagar, District- Patna, Permanent Address- Shyam Nagar, P.S. and District- Jehanabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 30-06-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 31.07.2021 passed by learned ADJ III-cum-Special Judge, SC/ST Act, Patna in ABP No. 4821 of 2021 whereby the prayer for bail of the appellant in connection with Shastri Nagar P.S. Case no. 80 of 2017 under Sections 341, 323, 342, 504/34 of the Indian Penal Code and sections 3(I-XI) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, when the informant was fastening rope on the roof, appellant and her husband came there and cut the rope and on protest, they assaulted her and abused by taking her caste name.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is case and counter case and the present one is counter blast of earlier case. The alleged occurrence took place in exclusive roof of the flat and not in public view. She has not taken the caste name of the informant. She has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.07.2021 passed in A.B.P. No. 4821 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Shastri Nagar P.S. Case No. 80 of 2017 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount



each to the satisfaction of the learned ADJ III-cum-Special
Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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