

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1191 of 2023**

Arising Out of PS. Case No.-233 Year-2022 Thana- JANTA BAZAR District- Saran

GITA DEVI W/O DINANATH SINGH @ DINA SINGH Resident of Village-
Kharauni, P.S.- Janta Bazar, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. CHINTA DEVI W/O MATICHAND SAH Resident of Village- Kharauni,
P.S.- Janta Bazar, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mahtab Alam, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-06-2023 Heard learned counsel for the appellant and

learned counsel for the informant as well as learned Special

P.P. for the State.

It appears from the record that vide order dated
16.05.2023, notices have been issued to respondent No.2
and the appellant had been granted provisional bail till
27.06.2023. In compliance of order dated 16.05.2023,
respondent No.2 has appeared in this case.

This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order
dated 04.02.2023 passed by learned 3r Additional Sessions



Judge -cum- Special Judge SC/ST Act, Saran at Chapra in connection with Janta Bazar P.S. Case No. 233 of 2022 registered under Sections 363, 366, 366(A) of the Indian Penal Code and Sections 3(i)(r)(s)(w) of SC/ST (POA) Act, whereby the prayer for regular bail of the appellant has been rejected.

The daughter of the informant is alleged to have been kidnapped by one Govinda Kumar Singh @ Tangaru and his family members including the petitioner.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, is innocent and has not committed any offence. He further submits that the appellant has been made accused in this case merely on the ground that she happens to be mother of the co-accused, Govinda Kumar Singh @ Tangaru. He further submits that it appears that the alleged date of occurrence is 12.12.2022 whereas the F.I.R. has been instituted on 20.12.2022 after lapse of eight days without enplaning the delay. He further submits that the appellant has not played any role in the alleged occurrence nor any cogent material has surfaced against her during course of investigation. Hence, the appellant, who is a lady, may be granted the



privilege of bail.

Learned counsel for the informant-respondent No.2 and learned Special P.P. for the State vehemently opposed the prayer for bail of the appellant and submits that the appellant has also played active role in the alleged occurrence.

Considering the facts and circumstances of the case, provisional bail granted to the appellant vide order dated 16.05.2023 is hereby confirmed.

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

(Rajesh Kumar Verma, J)

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