

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2936 of 2022**

Arising Out of PS. Case No.-307 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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PACHIYA DEVI W/o Saheb Rishideo R/o village- Domarahi Risideo Tola
Sahidpur, P.S.- Udakishunganj, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Dashrath Rishideo S/o Late Ganga Rishideo R/o village- Domarahi, Ward
No- 2, P.S.- Udakishunganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Barun Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Abhishek Arvind Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

Spl. P.P. for the State along with learned counsel for the

informant.

This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 25.07.2022 in A.B.P. No. 815 of 2022 passed by the
learned 1st Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Madhepura in connection with
Udakishunganj P.S. Case No. 307 of 2020 registered for the
offences punishable under Sections 302, 307, 120B, 326 and 34



of the Indian Penal Code under Section 27 of the Arms Act as well as Sections 3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is a person with clean antecedent and is a woman and the informant has raised suspicion in the F.I.R. against the accused persons including the appellant to have committed the murder of his son on account of extra marital relationship with a lady named in the F.I.R.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the F.I.R, it would manifest that no specific allegation is alleged against the appellant, it is next submitted that many of the co-accused have been granted the privilege of anticipatory bail by this Bench and by the learned Co-ordinate Bench of this Court. It is next submitted that Subhash Muni was granted the privilege of anticipatory bail vide order dated 29.03.2023 in Criminal Appeal (SJ) No. 2796 of 2022 and Jogi Poddar was granted anticipatory bail vide order dated 07.09.2022 in Criminal Appeal (SJ) No. 3752 of 2021.

Learned Spl. P.P. for the State along with learned counsel for the informant oppose the prayer for anticipatory bail



of the appellant.

In view of the submissions made by the learned counsel for the appellants, the order dated 25.07.2022 in A.B.P. No. 815 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhepura in connection with Udakishunganj P.S. Case No. 307 of 2020 is hereby set aside and the appellant above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Udakishunganj P.S. Case No. 307 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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