

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3883 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- WAJIRGANJ District- Gaya

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KUMARI ARCHANA wife of Nawal Kishore Sharma R/o- Maula Nagar Ps-
Wazirganj Dist- Gaya Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. UDAY KUMAR son of Krishna Rajbansi R/o- Karisowa Tola, Narayanpur
Ps- Wazirganj Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 02.08.2023 passed by learned
Exclusive Special Judge SC/ST, Gaya whereby the prayer for
bail of the appellant in connection with Wazirganj P.S. Case
no. 289 of 2023 under Sections 467, 468, 471, 506, 420, 409,
34 of the Indian Penal Code and sections 3(2)(v-a) of SC/ST
Act was rejected.

3. Allegation against the appellant is that on the
basis of forged paper and document she appointed her



husband as Tola teacher (Sevak) in the name of the informant. It is further alleged that she also abused the informant by taking his caste name and threatened him.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case in order to harass and humiliate the appellant. During investigation no reliable evidence has come out against the appellant. She has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant has got no criminal antecedent. Moreover, she is languishing in judicial custody since 02.06.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. 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 02.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Wazirganj P.S. Case no. 289 of 2023 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 Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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