

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3575 of 2022

Arising Out of PS. Case No.-195 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Champa Devi @ Urmila Devi W/O Late Sohan Das @ Sukhdeo Das Resident
of village- Bhawanipur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjula Devi S/O Naresh Das Resident of Village- Bhawanipur, P.S.-
Jagdishpur, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 14.09.2022 passed by learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022 under Sections 302, 120B of the Indian Penal Code and section 3(1), 3(2)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

As per the prosecution case, on the alleged date and



time of occurrence, co-accused Chhanguri Kumar allured the son of informant and took him to orchard to eat fruit. It is further alleged that all the FIR named accused persons including caretaker of the said orchard and 4-5 other persons having conspired killed the son of informant, inserting wooden stick in his mouth. It is further alleged that the accused person surrounded the son of informant and assaulted him by bricks and rod who died during course of treatment.

It is submitted on behalf of appellant that appellant is an old woman and she is not owner or caretaker of the said orchard. Appellant is Asha worker and at the relevant time she was posted at PHC at Jagdishpur and she was on duty on the alleged date and time of occurrence. Informant is not eye-witness of the occurrence and no one has claimed to have seen the alleged occurrence. FIR has been lodged after five days and there is no explanation for the same. No specific overt act has been alleged against this appellant. No case under SC/ST Act is made out, as the appellant herself belongs to SC caste. Appellant has got clean antecedent.

Counsel for respondent no. 2 vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed.



The impugned order dated 14.09.2022 passed by Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur is set aside.

Let the appellant above-named, in the event of her arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 the learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur P.S. Case No. 195 of 2022.

(Prabhat Kumar Singh, J)

vinita/-

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