

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3991 of 2022

Arising Out of PS. Case No.-375 Year-2022 Thana- BARH District- Patna

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LALI KUMAR S/O VIJAY SINGH Resident of village- Bedhna, Birhana,
P.S.- Barh, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. PARWATI DEVI W/O RAMCHANDRA PASWAN Resident of village-
Basobagi, P.S.- Barh, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms.Anjana, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

A supplementary affidavit has been filed on behalf of the appellant in which it is stated that notice was received by the son of the appellant and both are residing at the same place as mentioned address in Title Page of the instant appeal. Therefore, notice shall be treated as validly served upon the respondent no.2.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated



17.10.2022 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Barh P.S. Case No. 375 of 2022 registered under Sections 341, 307, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on 14.06.2022 at about 9 AM some children were plucking Jamun in the orchard of Village Berhna, meanwhile petitioner along with other accused persons came there and started abusing and assaulting them. Co-accused Hanumana took out pistol and gave it to one Uttam Kumar. Further, Hanumana and the appellant ordered Uttam Kumar to shoot on which accused Uttam Kumar fired with an intention to kill them. As a result, the son of the informant got fire arm injury.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is specific



allegation of firing against co-accused Uttam Kumar. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as there is no specific allegation against the appellant, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with Barh P.S. Case No. 375 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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