

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4255 of 2022

Arising Out of PS. Case No.-500 Year-2022 Thana- RAHUI District- Nalanda

-
1. CHOUSI DEVI @ CHAURASI DEVI W/o Late Bachu Yadav R/o Village- Mahmadpur, P.S.- Rahui, Distt- Nalanda.
 2. Kiran Devi W/o Vijay Yadav R/o Village- Mahmadpur, P.S.- Rahui, Distt- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Paswan S/o Shambhu Paswan R/o Village- Mahmadpur, P.S.- Rahui, Distt- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Nayan, Adv.

For the Respondent/s : Mr. Binay Krishna, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 01-05-2023 1. Learned counsel appearing for the appellants and learned SPP appearing for the State are present and they are heard in respect of the prayer for bail made by the appellants in the memo of appeal.

2. It is submitted by learned SPP appearing for the State that in the light of the direction given by this Court on the last date, the respondent No. 2 has been informed through Superintendent of Police concerned but no one appears on behalf of the respondent No. 2.

3. The instant appeal has been filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the order dated 20.10.2022 passed by the Court of



learned Additional District & Sessions Judge-III-cum-Special Judge SC/ST Act, Nalanda in connection with SC/ST Case No. 220/2022 arising out of Rahui P.S. Case No. 500/2022 registered for the offences punishable under Sections 341, 323, 302, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r),(s) and 3(2)(v) of SC/ST Act whereby and whereunder the appellants' prayer for bail was rejected.

4. The main submissions advanced by learned counsel appearing for the appellants are that both the appellants are old age women and in the FIR, the main allegation of assaulting the deceased is against co-accused Dhananjay Yadav and Vijay Yadav and two co-accused persons namely Shivalak Yadav and Siya Yadav @ Shiya Yadav, who are carrying more serious allegation than the appellants, have been granted bail by this Court vide order dated 03.04.2023 passed in Cr. APP(SJ) No. 555/2023 and in the FIR, there is general and omnibus allegation against the appellants in respect of the occurrence of assault. Further submissions are that the appellants have been languishing in jail since 19.09.2022 and against them, the investigation has been completed.

5. Learned SPP appearing for the State has opposed



the bail prayer and submitted that the order impugned has been rightly passed and the appellants do not deserve to the privilege of bail.

6. Considering the above submissions and mainly the facts that two co-accused persons mentioned-above have been granted bail by this Court and the case of both the appellants stands on better footing from them in view of the nature of allegation and moreover, the appellants are old age women and have been languishing in jail since 19.09.2022, in my opinion both the appellants are entitled to be released on bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellants are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-III-cum-Special Judge SC/ST Act, Nalanda in connection with SC/ST Case No. 220/2022 arising out of Rahui P.S. Case No. 500/2022.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

