

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4289 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- BHANGHA District- West Champaran

KUMARI DEVI W/O LATE GOBIND PRASAD Resident of village-
Rampur, P.S.- Bhangaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. JAINATHI DEVI W/O SRI JAIRAM PRASAD Resident of village-
Rampur, P.S.- Bhangaha, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 18.11.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, under SC/ST Act, West Champaran, Bettiah in Bail Petition No. 5501 of 2022 arising out of Bhangaha P.S. Case No. 20 of 2021 whereby the prayer for bail of the appellant registered under Sections 420, 467, 468, 471, 506/34 of the Indian Penal Code and sections 3(1)(r)(g) and 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, informant has got land through Bihar Government to which accused Awadhesh Prasad



in connivance with other accused persons tried to grab it by forged document when the informant got information then she went to registry office and inquired that she found FIR named accused persons have made forged document at where co-accused Ravi Kumar Subba and this appellant have made their signature as witnesses when the informant made protest then all the accused persons have threatened her to kill.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. Appellant belongs to SC/ST community, so the provision of section SC/ST act will not attract against the appellant. Specific allegation is against co-accused Awadhesh Prasad and not against the appellant. Appellant has not received any wrongful gain by the alleged sale deed rather she was simply a witness of the alleged sale deed. She has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent. She is languishing in judicial custody since 4.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 18.11.2022 passed in B.P. No. 5501 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bhangaha P.S. Case No. 20 of 2021 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 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah.

(Sunil Kumar Panwar, J)

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