

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1032 of 2024

Arising Out of PS. Case No.-530 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Chandsi Devi Wife of Sheo Shankar Ram Resident of Village- Narayanpur,
P.S.- Unchakagoan, District- Gopalganj, Bihar- 841501

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Late Manoj Devi Resident of Village- Narayanpur, P.S.-
Uchkagaon, District- Gopalganj, Bihar- 841501

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akshay Ashish, APP
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Dhananjay Kumar Upadhyay, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-09-2024 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 16.12.2023 passed by learned Additional
Sessions Judge, XIth cum Exclusive Special Judge, SC/ST Act,
Gopalganj whereby the prayer for anticipatory bail of the
appellant in connection with Kuchaikote P.S. Case No. 530 of
2023 under Sections 302, 34 of the Indian Penal Code and 3(2)
(v) of SC/ST Act was rejected.

3. As per prosecution case, the accusation against the
accused persons including the appellant is of assaulting the



informant and her husband indiscriminately due to which they sustained grievous injuries on their bodies. It is further alleged that husband of the informant succumbed to injuries.

4. Learned counsel for the appellant submits that the appellant is an innocent lady and has falsely been implicated in the present case due to admitted land dispute between the parties. Learned counsel for the appellant further submits that the appellant and the informant belong to the same caste and, therefore, no offence under the provisions of SC/ST Act is made out against her. Learned counsel further submits that the present case has been filed due to ill motive of the informant to create undue pressure on the appellant and to compromise earlier case being Kuchaikote P.S. Case No. 113 of 2021. The appellant has one criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that there is specific allegation against the appellant that she, along with other accused persons brutally committed the murder of the deceased. Learned counsel for the informant further submits that the prayer for bail of the similar co-accused has been rejected vide order dated 16.05.2024 passed in Cr. Appeal (SJ) No. 330 of 2024.



6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence and specific allegation against the appellant, this Court is not inclined to grant bail to the appellant.

7. Accordingly, the prayer for bail of the appellant is hereby, rejected.

8. However, liberty is granted to the petitioner to surrender before the learned trial Court and thereafter seek regular bail.

9. Accordingly, the present appeal is dismissed.

(Rudra Prakash Mishra, J)

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