

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2247 of 2023

Arising Out of PS. Case No.-20 Year-2021 Thana- KALYANPUR District- Samastipur

Raj Kumari Devi, W/O Harishchandra Rai @ Harishchandr Ray, R/O Village-
Kamargarma, P.S- Kalyanpur, Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Satya Devi W/O Bhola Ram R/O Village- Tira Kamargarma, P.S- Kalyanpur,
Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 18-01-2024 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 20.01.2023 passed by learned Special Judge, SC/ST Act (POA Act), Samastipur, whereby the prayer for bail of the appellant in connection with Kalyanpur P.S. Case No. 20 of 2021 under Sections 302/34 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s)/3(2)(va) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of assaulting the informant and her father-in-law due to which, he succumbed to injury.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There was an admitted land dispute between the parties. There is general and omnibus allegation against the appellant rather specific allegation of assaulting against co-accused Harishchandra Rai. There is no specific overt act of assaulting to the deceased against the appellant. She has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against her. The appellant has no intention to disgrace the image of the informant in public view. He further submitted that the others co-accused have already been granted bail by a Co-ordinate Bench vide order dated 12.05.2023 passed in Cr. APP (SJ) No. 4222 of 2022. She is languishing in judicial custody since 02.12.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.01.2023 arising out of Kalyanpur P.S. Case No. 20 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Kalyanpur 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 Special Judge, SC/ST (POA Act), Samastipur

(Sunil Kumar Panwar, J)

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