

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3295 of 2024

Arising Out of PS. Case No.-415 Year-2022 Thana- ALOULI District- Khagaria

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Sheela Patel @ Sheela Devi Wife Of Late Ramesh Patel, R/V- Sahsi, P.S.-
Alauli, Dist.- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bimla Devi Wife Of Late Prkash Sada R/V- Ghagwanpur, P.S.- Alauli
(Bahadurpur), Distt.- Khagaria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms. Uma Shankar Singh, Advocate Mr. Shishir Kumar Shishir, Advocate Mr. Binod Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2024 Heard Ms. Uma Shankar Singh, the learned counsel

for the appellant, the learned counsel appearing on behalf of the

informant and Mr. Sadanand Paswan, the learned Special Public

Prosecutor appearing on behalf of the State.

2. The present appeal is filed under Sections 14(A)(ii)

of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act (Hereinafter referred to as “SC/ST Act”), against

the refusal of prayer for anticipatory bail by the learned

Additional Sessions Judge-I-cum-Special Judge (SC/ST) Act,

Khagaria, vide order dated 22.06.2024 passed in Special A.B.P.

No. 30 of 2024, arising out of Alauli P.S. Case No. 415 of 2022,

FIR Dated 08.09.2022, registered for the offences punishable



under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the India Penal Code and under Section 27 of the Arms Act and also under Sections 3(2)(v) of the SC/ST (PoA) Act.

3. As per the prosecution case, one Shila Patel along with 25 to 30 persons, variously armed, came near the informant and abused her by calling her caste name and under the orders of Shila Patel, the co-accused persons opened fire due to which various persons from informant's side became injured and due to firing made by one Ram Nath Sada, the bullet hit on the chest of informant's husband, who died on spot.

4. Learned counsel for the appellant submits that appellant has clean antecedent and she has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that due to admitted land dispute, the present occurrence has taken place. He further submits that although appellant is named in the FIR, but there is no specific allegation of any assault or overt act or firing attributed against the appellant, rather the specific allegation of firing is attributed against the co-accused persons namely, Ram Nath Sada and Tarni Sada, apart from that, the *post-mortem* report of the deceased suggests that only bullet was found on the person of the deceased. He further submits that one co-accused person



namely, Gango Sada has been granted bail by this Court vide order dated 28.04.2023 passed in Cr.App (SJ) No. 2054 of 2023 and another co-accused namely, Tarni Sada has been granted bail by a co-ordinate Bench of this Court vide order dated 14.09.2023 passed in Cr.App (SJ) No. 1971 of 2023 and another co-accused person namely, Laxman Sada has also been granted bail by a co-ordinate Bench of this Court vide order dated 21.09.2023 passed in Cr.App (SJ) No. 2114 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the appellant and the appellant is in custody since 16.08.2023.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR and upon her order the co-accused persons started firing.

6. Considering the aforesaid facts and circumstances and mainly the facts that appellant has clean antecedent, there is no specific allegation of any assault or overt act or firing made against the appellant and several co-accused persons have been granted bail, let the appellant, above-named, in the event of her arrest or surrender before the learned trial Court, within a period



of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST) Act, Khagaria, where the case is pending in connection with **Alauli P.S. Case No. 415 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed her criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the appellant. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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