

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4785 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- MOKAMAH District- Patna

Sarita Devi W/O Dinesh Paswan Village- Shivnar, Ps. Mokama, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Radha Devi W/O Kaushal Paswan Village- Shivnar, Ps. Mokama, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-01-2024 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 08.09.2023 passed by learned Exclusive Special Judge SC/ST Act, Patna in connection with Mokama P.S. Case No. 119 of 2023 instituted for the offences punishable under Sections 341, 323, 307, 34 of the Indian Penal Code. Later on Section 302 I.P.C and Sections 3(1)(r)(s) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is a case of assaulting due to which the



father-in-law of the informant died.

It is submitted by learned counsel for the appellant that appellant is innocent and she has falsely been implicated in this case. The appellant is not named in the F.I.R and her name subsequently sprang up during the course of investigation. The appellant and the informant belong to the same caste, hence, the provision under SC/ST would not be attracted against the appellant. The son of the appellant has also lodged a case against the present informant. The appellant is lady and she is languishing in custody since 15.07.2023.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 08.09.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each
to the satisfaction of learned Exclusive Special Judge,
SC/ST Act, Patna in connection with Mokama P.S. Case
No. 119 of 2023(Special Case No. 146/2023).

(Sunil Kumar Panwar, J)

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