

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.192 of 2025

Arising Out of PS. Case No.-119 Year-2020 Thana- KHANPURA District- Samastipur

Lalita Kumari @ Lalita Devi W/o- Bike Sahni @ Bike Kumar @ B.K Sahni
Village- Shivaisinghpur W.No-3, Ps- Khanpur Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi W/o- Ram Chandra Ram Village- Shivaisinghpur Ps- Khanpur
Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 24-07-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 20.12.2024 passed by the learned Court of Special Judge SC/ST (POA) Act, Samastipur in connection with Khanpur P.S. Case No. 119 of 2020, T.R. No. 1831/2024 dated 29.07.2020 registered for the offence/s punishable u/ss 302, 364 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(c)(va) of SC/ST (POA) Act.



3. As per the prosecution case, the appellant along with other co-accused persons came and under conspiracy they kidnapped and committed murdered of the informant's husband and in the name of purchasing a Boat, as there was chance of flood.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung up in this case on mere suspicion. No incriminating article has been recovered from the conscious possession of the appellant. There is no specific allegation against the appellant rather the specific allegation is against the other co-accused persons. There is general and omnibus allegation against the appellant. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant, who is a lady, is in custody since 20.12.2024. The co-accused person has already been granted regular bail by this Court vide order dated 02.11.2023 passed in Cr. Appeal (S.J.) No. 3270 of 2023.

5. Learned Spl.P.P. for the State has vehemently



opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 20.12.2024 passed by the learned Court of Special Judge SC/ST (POA) Act, Samastipur in connection with Khanpur P.S. Case No. 119 of 2020, T.R. No. 1831/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge SC/ST (POA) Act, Samastipur in connection with Khanpur P.S. Case No. 119 of 2020, T.R. No. 1831/2024.

(Chandra Prakash Singh, J)

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