

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.18 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

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1. Vimla Devi @ Bimla Devi W/o Wakil Rishidev R/o vill - Chamgarh, P.S. - Murliganj, Distt. - Madhepura
 2. Asha Devi D/o Arvind Rishidev R/o vill - Chamgarh, P.S. - Murliganj, Distt. - Madhepura
 3. Jaymala Devi D/o Wakil Rishidev, W/o Sanoj Rishidev R/o vill - Chamgarh, P.S. - Murliganj, Distt. - Madhepura

... .. Appellants

Versus

1. The State of Bihar Bihar
2. Gunjan Devi W/o Late Arjun Rishidev R/o vill - Chamgarh, ward no. 7, P.S. - Murliganj, Distt. - Madhepura

... .. Respondents

Appearance :

For the Appellants : Mr.Uday Chand Prasad
For the Respondent : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-02-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. As per office notes dated 23.01.2025, notice has been taken by the Respondent No. 2, hence, notice upon Respondent No. 2 deemed to be validly served.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for anticipatory bail vide order dated 01.11.2023 passed by the learned Additional Sessions Judge 1st cum Special Judge, Madhepura in A.B.P. No. 1531/2023 arising out of Murliganj P.S. Case No. 366 of 2023 dated 04.09.2023 registered for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal



Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, the appellants and the co-accused persons are alleged to have come to the shop of the informant and abused the informant's husband by calling his caste name. The villagers gathered at the site of altercation and in the meantime, the co-accused, Vakil Yadav exhorted to gun down the informant's husband upon which, the co-accused, Pandav Kumar Yadav along with his associate opened fire on the informant's husband which hit his chest. Thereafter, the injured was taken to the hospital where he succumbed to his injury in the course of treatment.

5. Learned counsel for the appellants has submitted that the appellant have falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. The appellants are ladies. The specific allegation of firing is against the co-accused person, Pandav Kumar Yadav. Learned counsel has further submitted that no particular caste name has been called by the appellants hence no case is made out under SC/ST Act. The other co-accused person has already been granted bail by this court *vide* order dated 02.05.2024 passed in Cr. Appeal (SJ) No. 1315/2024. The appellants have no criminal antecedents as



stated at para 3 of the bail petition.

6. Learned Spl. P.P. for the State has vehemently opposed the anticipatory bail petition of the appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 01.11.2023 passed by the learned Additional Sessions Judge 1st cum Special Judge, Madhepura in connection with Murliganj P.S. Case No. 366 of 2023, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, Madhepura in connection with Murliganj P.S. Case No. 366 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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