

(2021) 03 PAT CK 0210

In the Patna High Court

Case No : Criminal Appeal (Sj) No. 1167 Of 2021

Tetara Devi @ Tetari Devi

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 341, 504, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v)
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 PAT CK 0210

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Raj Kumar Choudhary, Sadanand Paswan

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Raj Kumar Choudhary, learned counsel for the appellant and Mr. Sadanand Paswan, Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.
3. The present appeal is directed against the order dated 23.11.2020 passed by the learned Additional Sessions Judge 1st, Sasaram, Rohtas.
4. The appellant apprehends arrest in connection with Dehri Nagar (Indrapuri OP) PS Case No. 353 of 2020 dated 23.11.2020, instituted under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
5. The allegation against the appellant among others is of life-threatening assault on the informant side which also led to death of one person.
6. Learned counsel for the appellant submitted that there are eight accused

inclining the appellant but against the appellant, the only allegation is that she being the ward member had extorted the other accused to attack stating that she would manage everything. It was submitted that the appellant besides being a lady has not got any criminal antecedent and no overt act is alleged against her. Learned counsel submitted that there was a clash with regard to construction of a drain between two sides and a panchyati was held but the informant side did not accept the panchyati and had filed the case which is after a delay of more than 30 hours which has not been explained. It was submitted that since the informant side did not accept the panchyati and had filed the present case, the appellant side also filed a case stating the correct sequence of events. Learned counsel submitted that the appellant has been implicated because she is holding the post of Ward Member and further that it cannot be believed that a lady would be at the site of violence extorting male members. It was further submitted that the whole family has been made accused which clearly shows that the same has been done with mala fide intention.

7. Learned APP submitted that the appellant was the main leader of the assault party and she had assured them that she would take care of everything and that they should attack.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the appellant be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ 1st Sasaram, Rohtas in Dehri Nagar (Indrapuri OP) PS Case No. 353 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the appellant, (ii) that the appellant and the bailors shall execute bond with regard to good behaviour of the appellant, and (iii) that the appellant shall also give an undertaking to the Court that she shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The appellant shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the appellant, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the appellant.

10. The application stands disposed off in the aforementioned terms.