

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2212 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Sanju Devi wife of Bam Bam Choudhary Resident of Village Dighi Kala
(East), P.S. Hajipur Sadar, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramesh Kumar Choudhary

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 09-10-2017 Heard the parties.

The appellant seeks regular bail in connection with Hajipur Sadar P.S.Case No.09 of 2017 registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act and Section 4, 6, and 21 of POCSO Act.

Allegation against the appellant, as per FIR, is that the dead body of a student of Balika Uchcha Vidyalaya, Subhai Marijabad, Malmala Chaur, which is a residential school , was found in the suspicion condition in the campus of the school and the appellant along with one another person was guard of the school.

Submission of the learned counsel for the appellant is



that except suspicion as she was a guard, there is absolutely nothing against the appellant but whatever materials has come during the course of investigation, suggests that there was some altercation between the girls, who are inmates of the Hostel, in which she received injury and died. Further submission is that the appellant is in custody for nine months. The appellant is a lady.

Heard learned Special P.P. also.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Ist Addl. Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S.Case No.9 of 2017 after setting aside order dated 19.6.2017 passed by the learned Ist Addl. Sessions Judge-cum-Special Judge, Vaishali at Hajipur in Hajipur Sadar P.S.Case no.9 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall co-operate in the disposal of trial and make herself available as and when required by the court concerned and on the event of failure on her



part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of her bail bond.

With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

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