

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4489 of 2018

Arising Out of PS. Case No.-327 Year-2018 Thana- RUPASPUR District- Patna

=====

Dolly Devi Wife of Mukesh Kumar R/o Mahuabagh, P.S. Rupaspur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : None

For the Respondent/s : Mr.Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

No one appears on behalf of the appellant.

Heard learned counsel for the informant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 09.10.2018 passed by the learned Additional
Sessions Judge-IV-cum-Special Judge (S.C./S.T. Act), Patna, in
Special Case No. 464 of 2018, arising out of Rupaspur Police
Station Case No. 327 of 2018, registered under Sections
363/365/364/302/201/120(B)/34 of the Indian Penal Code and
Sections 3(1) (v), 3(2)(va) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR of the occurrence of kidnapping of the son of the informant was registered against unknown. After few days, the dead body of the victim was noticed in a very decomposed condition. Hence, the doctor, who conducted the postmortem examination, did not come to a definite opinion about the cause of death. Only material against the appellant is confessional statement of co-accused, who stated before the police that he along with other family members committed murder of the deceased wherein this appellant had also played a role. The appellant is in custody since 02.08.2018. She has stated on oath that she has got no criminal antecedent and investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail.

Considering the nature of material against the appellant, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the trial of the case, failing which the court



below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2018
Transmission Date	22.12.2018

