

IN THE HIGH COURT OF JUDICATURE AT PATNA
Death Reference No.6 of 2017

Arising Out of PS. Case No.-207 Year-2014 Thana- Sahebganj District- Muzaffarpur

The State of Bihar

... .. Petitioner

Versus

Suman Devi @ Guriya Wife of Randhir Singh, Resident of Village-
Himmatpatti, P.S.- Sahebganj, District- Muzaffarpur.

... .. Respondent

with

Criminal Appeal (DB) No. 459 of 2017

Arising Out of PS. Case No.-207 Year-2014 Thana- Sahebganj District- Muzaffarpur

Suman Devi @ Guriya Wife of Randhir Singh, Resident of
Village- Himmatpatti, P.S.- Sahebganj, District- Muzaffarpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

(In Death Reference No. 6 of 2017)

(In Criminal Appeal (DB) No. 459 of 2017)

For the Appellant	:	Mr. Ajay Kumar Thakur, Adv. Mr. Md.Imteyaz Ahmad, Adv. Mr. Nilesh Kumar, Adv. Mr. Shashank Shekhar, Adv. Mr. Rituraj Raman, Adv. Miss. Swati Sinha, Adv.
For the State	:	Mr. Mayanand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

Date : 17 -05-2018

By Judgment dated 28.03.2017 passed in Sessions

Trial No.90 of 2015, arising out of Sahebganj P.S. Case



No.207 of 2014, Sri Tarun Kumar Sinha, learned 10th Addl. Sessions Judge, Muzaffarpur (hereinafter referred to as “trial Judge”) convicted the appellant for commission of offence under Section-302, 120B, 201 of the Indian Penal Code and by order dated 30th March,2017, the learned trial Judge sentenced Suman Devi @ Guriya to death for the offence under Section 302, read with Section 120B of the Indian Penal Code and imposed fine of Rs.25,000/-. In default of payment of fine, she was directed to further undergo rigorous imprisonment for one year under Section 302 of the Indian Penal Code. She was further directed to undergo rigorous imprisonment for seven years for the offence under Section 201 of the Indian Penal Code and to pay fine of Rs.5000/- and in default of payment of fine, she was further directed to undergo rigorous imprisonment for one year. She was directed to be hanged by neck till her death. Since it was death sentence, it was subject to confirmation by this Court. Accordingly, in view of Section 366 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”), the sentence was referred to this Court for its confirmation. Simultaneously, Suman Devi @ Guriya against the Judgment



of conviction and sentence preferred an appeal under Section 374(2) of the Code of Criminal Procedure. Accordingly, both; Death Reference and Criminal Appeal were taken up together and are being disposed of by this common Judgment.

2. Short fact of the case is that on 27.07.2014 a written complaint was filed by Sri Prabhu Nath Singh (P.W.3) son of Late Punyadeo Singh, resident of village-Ramgarhwa, Police Station- Pipra, District-East Champaran to the Officer Incharge of Sahebganj Police Station, District-Muzaffarpur. In the said written report, the informant disclosed that in the year 2000 his sister Indu Devi was married with Sujit Kumar Singh @ Shyam Ji, resident of village- Himmatpatti, Police Station- Sahebganj, District-Muaffarpur. His sister was having two children, namely, Rahul Kumar Singh, aged about four years and one daughter Khushbu Kumari, aged about nine years. In the written report, he further stated that he received telephonic information that on 26.07.2014, in the night at 10.00 P.M., on his sister, maternal nephew (*Bhagina*) and maternal niece (*Bhagini*), by way of sprinkling kerosene oil, an attempt was made to kill his sister, maternal nephew and maternal niece. On 27.07.2014, when he along with his co-villagers reached



Himmatpatti village in the morning at 9.00 A.M, he got information that (i) Bishambhar Singh, aged about 65 years (ii) Laljhari Devi wife of Bishambhar Singh (iii) Randhir Kumar Singh @ Ramji, son of Bishambhar Singh (iv) Suman Devi @ Guriya Devi wife of Randhir Singh, all residents of village-Himmatpatti (v) Prabhu Narayan Singh son of Late Kailash Singh (vi) driver of the vehicle (name not known), elder son of Prabhu Narayan Singh, resident of village Parshurampur, Tola Narauni Police Station Pipra Kothi, District- East Champaran , all in the night at about 10.00 P.M. sprinkled kerosane oil and ignited the same , while his sister Indu Devi, son Rahul Kumar and daughter Khushbu Kumari were sleeping. It was further disclosed in the written report that said occurrence had taken place with a view to grab property by hatching pre-planned conspiracy, in which Prabhu Narayan Singh by his personal 'Nano Car', which was being driven by his elder son, on 26.07.2014 had come in village-Himmatpatti and his brother-in-law Sujit Kumar was sent to Motihari on the pretext of sending Jackfruit (Katahal) and in the night, offence was committed. It has also been stated in the written report that the informant with the help of villagers



got information that due to flame of fire Rahul Kumar had already died and his dead body, on search, was found. His sister and maternal niece (*Bhagini*), in half-burnt condition, were taken by Prabhu Narayan Singh and carried through his 'Nano Car'. The informant raised suspicion that accused persons after killing his sister and maternal niece had thrown their dead body. Accordingly, it was prayed in the written report for conducting enquiry, so that culprits may be held guilty. On the bottom of the written information, the informant Prabhu Nath Singh put his signature. As witness to the said written report, it was signed by 10 persons , namely, (i) Sri Laxman Singh (ii) Sri Ramprit Thakur (iii) Sri Raju Thakur (iv) Sri Suresh Singh (v) Sri Fulena Singh (vi) Sri Daya Shankar Singh (vii) Sri Rajkumar Singh, all residents of village- Dilawarpur, District-East Champaran (viii) Sri Pappu Singh (ix) Sri Naresh Singh (x) Sri Arun Singh, all residents of village-Himmatpatti. On the basis of said written report, which was received in the Police Station on 27.07.2014 at 9.45 A.M. a formal F.I.R. was drawn up and Sahebganj P.S. Case No.207 of 2014 was registered on 27.07.2014 for the offence under Sections 302/307/34 of the Indian Penal Code



against (i) Vishambhar Singh (father-in-law of the deceased)
(ii) Laljhari Devi (mother-in-law) (iii) Randhir Kumar Singh @ Ramjee, elder brother of the husband of the deceased
(iv) Suman Devi @ Guriya (appellant) wife of Randhir Kumar Singh (v) Prabhu Narayan Singh, father of the appellant and Samdhi of Vishambhar Singh (vi) driver of the vehicle (vii) eldest son of Prabhu Narayan Singh and elder brother of Suman Devi @ Guriya (appellant).

3. After investigation, on 18.10.2014 chargesheet was submitted against Suman Devi @ Guriya keeping investigation pending against others. It has been noticed that Suman Devi @ Guriya was arrested and remanded on 28.07.2014. After submission of chargesheet on 21.10.2014 the learned Addl. Chief Judicial Magistrate, Muzaffarpur West took cognizance of offence and the case was committed to the court of Sessions on 11.02.2015. After commitment, the record was received in the court of Sessions on 16.02.2015 and it was numbered as Sessions Trial No. 90 of 2015. In the case on 19.03.2015, charge under Section 302, 307, 201, 120B/34 of the Indian Penal Code was framed against sole convict, namely, Suman Devi @ Guriya.



4. During trial, on behalf of the prosecution six witnesses were examined. Out of six witnesses, (i) Prabhu Nath Singh (informant) was examined as P.W.3, (ii) co-villager Pappu Singh was examined as P.W.2, (iii) Sri Anand Kumar Srivastava, learned Addl.Chief Judicial Magistrate was examined as P.W.5, who recorded statement of Khushbu Kumari under Section 164 of the Code of Criminal Procedure. (iv) P.W.6-Dr. Vijay Kishore Prasad conducted post-mortem on the dead body of Rahul Kumar (v) P.W.4-Ram Babu Ram was the Investigating Officer. After conclusion of the prosecution evidence, statement of accused under Section 313 Cr.P.C. was recorded on 02.01.2017, in which she claimed to be innocent and also claimed about false implication, however no defence witness was examined. The prosecution during trial besides oral evidence has also brought on record some documentary evidence, which are (i), written report (**Ext.1**) (ii) formal F.I.R. (**Ext.2**) (iii) Case Diary from Para 1 to Para-38(**Ext.3**), (iv) statement recorded under Section 164 of the Code of Criminal Procedure of Khushbu Kumari, which was marked as **Ext.4** (v) post-mortem examination report of deceased Rahul Kumar, which was marked as **Ext.5**.



5. Sri Ajay Kumar Thakur, learned counsel for the appellant after placing entire evidence has argued that it is a peculiar case, in which learned trial Judge, even in absence of admissible evidence has passed Judgment of conviction and sentenced the appellant to death. Sri Thakur, learned counsel for the appellant has argued that accidentally fire broke in the room, where sister of the informant, who was Gotini of the appellant, with her minor children were sleeping. After noticing the flame, they were tried to rescue, however, in the meanwhile, son of the deceased aged about 4 years due to burn injury died. Remaining two injured i.e. sister of the informant and her nine years daughter Khushbu Kumari were carried on a vehicle to hospital for their treatment in Motihari , where Khushbu Kumari was admitted and sister of the informant was referred to Patna, however on way she died. In the meanwhile, the brother of the deceased with oblique motive in a pre-planned manner submitted a written report before the Officer Incharge of Sahebganj Police Station stating therein that his sister and her two children were firstly sprinkled kerosene oil by all the F.I.R. named accused, which was ignited. In the said occurrence, it was alleged that minor



son of sister of the informant aged about four years died. Sri Thakur, learned counsel for the appellant has specifically referred to the written report, which is the basis of the F.I.R. as well as evidence of the informant (P.W.3) and highlights that written report itself indicates that the informant was given information from someone, however the person, who had provided information to the informant, was not produced by the prosecution nor the informant disclosed the name of the person, from whom he got such information. Sri Thakur, learned counsel for the appellant submits that admittedly, none had seen the occurrence and after noticing flame of fire, the injured, who were alive, were carried to hospital by in-laws members of the deceased. According to Sri Thakur, as per evidence of P.W.3 (informant), no case is made out against the appellant. He further submits that the learned trial Judge, while passing Judgment of conviction and sentence, has heavily relied on Ext.3, which was not at all admissible evidence since it was case diary containing paragraph nos.1 to 38. The learned trial Judge has committed serious error in passing the Judgment of conviction and sentence on the basis of statement of Khushbu Kumari (daughter of sister of the



informant) recorded under Section 164 of Cr.P.C. He submits that admittedly Khushbu Kumari was not produced by the prosecution for drawing her attention to her statement recorded under Section 164 of Cr.P.C.. He submits that in absence of Kushbu Kumari, her statement recorded under Section 164 of Cr.P.C. was not at all required to be taken note of. If Ext.3 i.e. case diary and Ext.4 i.e. statement of Khushbu Kumari recorded under Section 164 of Cr.P.C. is ignored, there is no iota of evidence to hold the appellant guilty. Learned counsel for the appellant has argued that the learned trial Judge erroneously has placed heavy reliance on a petition, which was filed during the trial by the informant (P.W.3) as if Khushbu Kumari after her statement recorded under Section 164 of Cr.P.C. died. However, in support of death of Khushbu Kumari, no other plausible material was brought on record, even death certificate of Khushbu Kumari was not placed on record. Sri Thakur, learned counsel for the appellant has also drawn our attention to the evidence of P.W.3 and submits that though the informant was examined in the year 2016, he has not whispered anything regarding Khushbu Kumari either about her statement recorded under



Section 164 of Cr.P.C. or her death or any petition filed earlier during trial.

6. Sri Ajay Kumar Thakur, learned counsel for the appellant has further argued that whole trial has vitiated due to the reason that while recording statement of the appellant under Section 313 Cr.P.C., no appropriate circumstance or evidence was placed before her regarding death of four years old son of sister of the informant, rather at the time of recording statement under Section 313 Cr.P.C., in a casual manner, it was explained as if the appellant was instrumental in killing four years old son of sister of the informant and also in sprinkling Kerosene oil on Indu Devi, Rahul Kumar and Khushbu Kumari, while sleeping and in the said occurrence Rahul Kumar died. Incorrectly, at the time of recording statement under Section 313 Cr.P.C., it was explained as if during treatment Indu Devi and Khushbu Kumari, both died. Sri Thakur has argued that it was not at all case of the prosecution that Khushbu Kumari also died during her treatment. Even the case of death of Indu Devi has not been established by the prosecution, however such circumstance was explained to the appellant and, accordingly, the statement



of the accused recorded under Section 313 Cr.P.C. was completely in violation of statutory provision. On the aforesaid ground, it has been argued that the Judgment of conviction and sentence of the appellant is liable to be set aside.

7. Sri Mayanand Jha, learned Addl. Public Prosecutor submits that it was a glaring case of barbaric act of the appellant, in which she conspiring with other accused persons had killed three innocent persons and, as such, the learned trial Judge has rightly passed the Judgment of conviction and considering the fact that it was rarest of rare cases, he has imposed death penalty to the appellant. Sri Jha, learned Addl. Public Prosecutor has referred to a petition dated 11.06.2015 filed by the informant (P.W.3) during trial before the trial court. He submits that through this petition, the learned trial Judge has mentioned that Khushbu Kumari after recording her statement under Section 164 Cr.P.C. during treatment died. Sri Jha, learned Addl. Public Prosecutor submits that since Khushbu Kumari after her statement under Section 164 Cr.P.C. died, the said statement can be termed as dying declaration. According to Sri Jha, since statement of



Khushbu Kumari was termed as dying declaration, certainly there is no error in the Judgment of conviction and sentence.

8. Besides hearing learned counsel for the parties, we have minutely examined the evidence on record. Before proceeding, it would be necessary to firstly notice the evidence of Prabhu Nath Singh (P.W.3), who is the informant of the case. In his evidence, he deposed that occurrence of the case is dated 26.07.2014 at 10.00 in the night. At that very time, he was at his own house. He deposed that his father had arranged marriage of his sister, which was solemnised in the year 2000 with Sujit Kumar, son of Bishambhar Singh, resident of village-Himmatpatti. On 27.07.2014 in the morning, he received telephonic information that his sister was burnt by sprinkling kerosene oil. After getting information, with villagers he went there. Thereafter, it transpired that Randhir Kumar, Vishambhar Singh, Laljhari Devi, Suman Devi (appellant), Prabhu Narayan Singh , son of Prabhu Narayan Singh(name not known), all by sprinkling Kerosene oil on his sister set her ablaze. Thereafter, they absconded with his sister in burnt condition through his 'Nano Car'. The reason for the occurrence was explained as property



dispute. He also proved his writing and signature on the written report, which was marked as **Ext.1**. In para-2 of his cross-examination, he stated that he could not gather the name of person, who gave information about the occurrence till the date of his deposition. It is pertinent to mention here that he was examined during trial on 10.02.2016. He clarified that his name was also not mentioned in the F.I.R. He further stated that even in his re-statement, he had not disclosed the name of said person. In para-5 of his cross-examination, he stated that none of the accused persons, in his presence, had ever demanded anything from his sister. Again in para-6 of his cross-examination, he stated that whatever information was given, he reported to the police. Again in paragraph-13 of his cross-examination, he stated that all agriculture work of the village was under the control of Sujit Kumar and Indu Devi (deceased sister of the informant). In para-14 of his cross-examination, he stated that Randhir Kumar Singh, accused of this case, was residing in Motihari with Suman (appellant-convict), where Randhir Kumar was doing work of Compounder. In paragraph-16 of his cross-examination, he further stated that amongst Suman (appellant-convict) and his



sister Indu Devi, he never heard about any dispute regarding property. In paragraph-19, he further stated that for the purposes of treatment, Indu Devi and her children were admitted to Motihari hospital, however he denied about any information as to whether the injured were referred to Patna and on way Indu Devi died. He further denied suggestion that Indu Devi accidentally caught flame of fire in her Sari. He further denied suggestion in paragraph-22 that at the time of occurrence, there was no electricity and while she was trying to burn Kerosene oil, it fell on her Sari and she got ablaze and in the said context, her child caught her mother and he died. He further denied suggestion in paragraph-23 that children and Indu Devi were medically examined in Motihari Sadar Hospital by Randhir Kumar Singh.

9. P.W.2 -Pappu Kumar Singh is a co-villager and resident of village- Himmatpatti. He stated that on the date and time of occurrence, he was in his house. He heard hulla in the village and, thereafter he went to the place of occurrence and noticed that flame of fire was coming and number of persons were pouring water. One female, one female child and one male child in half burnt condition, were taken out from



fire, where a vehicle was got arranged and, thereafter, injured were carried to hospital. He identified the appellant-convict in the dock and stated that in village relation, she was his aunt. In paragraph-3 of his cross-examination, he stated that injured were sent to Motihari Sadar Hospital since there was difficulty for treatment in Sahebganj. From Motihari , female was referred and she died on way. In paragraph-5 of his cross-examination, he categorically stated that the day on which occurrence had taken place, Suman Devi (appellant-convict) was in her house in Motihari. This witness was examined on behalf of the prosecution and though he categorically stated that on the date of occurrence, the appellant was not in the village Himmatpatti, rather she was in Motihari, he (P.W.2) was not declared hostile nor his attention was drawn to his earlier statement. Meaning thereby that as per evidence of P.W.2 the presence of appellant-convict at the place of occurrence appears to be doubtful.

10. P.W.5- Anand Kumar Srivastava on 08.10.2014 was posted as Judicial Magistrate, West Muzaffarpur as 1st Class Judicial Magistrate. On the same day i.e. 08.10.2014 as per order of the Addl. Chief Judicial Magistrate, West



Muzaffarpur he recorded statement of the victim Khushbu Kumari under Section 164 of Cr.P.C.. The victim was produced before him in injured condition and there was bandage on her body. He further stated that as per his order, at the time of recording statement of the victim, her maternal uncle was present there and whatever victim stated, he recorded the same. He identified his writing and signature and statement of the victim recorded under Section 164 of Cr.P.C. , which was marked as **Ext.4**. In paragraph-3 of his cross-examination, he stated that while he was recording statement of the victim, with his permission maternal uncle of the victim was also present.

11. P.W.6-Vijay Kishore Prasad on 27.07.2014 was posted as Professor and Head in the department of Forensic and Medicine, S.K.M.C.H., Muzaffarpur and on the same day, he did post-mortem examination on the dead body of Rahul Kumar aged about four years and he noticed following ante-mortem dermo-epidermal and deep burn injuries:

- (i) Front of face and head.**
- (ii) Front and side of neck.**
- (iii) Front and side of chest and abdomen.**
- (iv) Front of perineum**



(v) Back of chest.

(vi) Front and side of both hand and buttock.

(vii) Both leg muscles burnt and bone exposed.

Area of red zone were present at various places. Burn was about 100 %.

Opinion – Deceased died due to shock of ante-mortem burn injuries. Injuries were caused by flame of fire.

Time since death within 6 to 12 hours.

He (P.W.6) stated that post-mortem report was written by him and was of his signature and it was marked as **Ext.5**. On examination of his evidence, it does not appear as to whether burn injury was due to sprinkling of kerosene oil or he had noticed any smell of kerosene oil.

12. P.W.4-Ram Babu Ram is the Investigating Officer of the case and on the date of occurrence, he was posted in the Sahebganj Police Station and investigation of the case was handed over to him by the Station House Officer/ Officer Incharge and thereafter he firstly went to the place of occurrence and inspected the place of occurrence and on the same day i.e. 27.07.2014 he recorded re-statement of the informant. Accordingly, in his evidence, he stated that place of occurrence was united pucca house of the accused in village



Himmatpatti, which was having seven rooms. In third room, it was disclosed, mother with her two children, on the date of occurrence, were sleeping. Second place of occurrence was about 1 ½ Kilometer, near Bauli Pokhar, where dead body of Rahul Kumar, aged about four years, was buried. There he prepared inquest report and dead body was sent for post-mortem. On 28.07.2014 he arrested Suman Devi @ Guriya (appellant-convict) wife of Randhir Singh. He recorded statement of witnesses under Section 161 of Cr.P.C. and finally submitted chargesheet against the appellant keeping investigation open against others. He proved formal F.I.R., which was marked as **Ext.2**. He also proved case diary from paragraph-1 to 38, which was marked as Ext.3. In normal course, there was no reason to get exhibited the case diary. In paragraph-6 of his cross-examination, P.W.4 stated that when he recorded statement of witnesses, none had said as to how occurrence of fire had taken place, however they stated that they had seen flame of fire. In paragraph-10 of his cross-examination, he stated that in the case diary, he did not mention that empty bottle or plastic container of kerosene oil was found at the place of occurrence. Again in paragraph-11



of his cross-examination, he stated that during investigation, neither he had seized any burn cloth or any material nor he obtained any remains burn in the fire. In paragraph-13, he further stated that in the inquest report, he did not mention that from burnt body of the deceased, smell of kerosene was coming. On examination of his evidence, it appears that the Investigating Officer at the place of occurrence, which was allegedly 3rd room , where sister of the informant, while sleeping with two children, were burnt, no sign of burning was found nor it was either mentioned in the case diary or it was stated during trial by the Investigating Officer. It is also clear that no smell of kerosene was noticed by the Investigating Officer during investigation, whereas it was case of the informant, as per fardbeyan, that his sister with her two children were firstly poured kerosene oil and, thereafter, it was ignited. No such evidence has come to draw an inference that the appellant was instrumental in pouring kerosene oil on the sister of the informant and her two children. Had it been a case of burning after pouring of kerosene oil, there was every possibility of evidence of noticing smell of kerosene oil



or empty bottle or container, which also creates doubt in the mind of the Court.

13. On examination of entire oral evidence, we are of the opinion that there was no reason for the learned trial Judge to pass Judgment of conviction in such cases. Fact remains that the learned trial Judge has heavily relied on facts disclosed in the case diary i.e. **Ext.3** and also statement of victim Khushbu Kumari recorded under Section 164 of Cr.P.C., which was exhibited and marked as **Ext.4**. Of course, Sri Mayanand Jha, learned Addl. Public Prosecutor, at the time of argument, has placed reliance on a petition, which was dated 11.06.2015 filed by the informant during trial, in which the informant Prabhu Nath Singh had mentioned about the death of victim Khushbu Kumari, but this witness Prabhu Nath Singh was finally examined during trial in the present case on 10.02.2016, however he had not whispered anything about status of Khushu Kumari or her statement recorded under Section 164 of Cr.P.C. Even along with petition dated 11.06.2015, which was filed on behalf of the informant, death certificate or any plausible evidence showing death of victim Khushbu Kumari was not enclosed. Merely on the basis of



such petition, learned trial Judge was not required to come to the conclusion that the victim Khushbu Kumari died subsequently and learned trial Judge has treated such statement under Section 164 Cr.P.C. as one of the dying declaration. We completely disagree with the learned trial Judge, particularly in view of evidence of the informant (P.W.3), which was recorded on 10th February, 2016 as well as in absence of any plausible evidence regarding death of Khushbu Kumari. Meaning thereby that even though this fact was not established that Khushbu Kumari died subsequent to her statement recorded under Section 164 of Cr.P.C., there was no reason to treat the same as dying declaration. Accordingly, in absence of evidence of Khushbu Kumari, there was no reason to place any reliance on her statement recorded under Section 164 of Cr.P.C. It is true that case diary even can be noticed for the aid of imparting Judgment, but in absence of any other evidence, such aid was not required to be taken by learned trial Judge. In the facts and circumstances, it is evident that in the case there was no evidence to establish that entire occurrence was done by the appellant-convict conspiring with other accused persons.



14. On examination of entire evidence, we are of the considered opinion that the prosecution has miserably failed to establish its case beyond all reasonable doubt and, as such, there is no reason to approve the Judgment of conviction in respect of the appellant-convict. Accordingly, the Judgment of conviction dated 28th March, 2017 passed by Sri Tarun Kumar Sinha, learned 10th Addl. Sessions Judge, Muzaffarpur in Sessions Trial No.90 of 2015 is hereby set aside. Consequently, the order of sentence of the appellant dated 30th March, 2017 is also set aside.

15. Since Judgment of conviction of the appellant under Section 302 read with Section 120 B of the Indian Penal Code, for which she has been imposed death sentence, has been set aside, the reference made by the learned trial Judge under Section 366 of the Code of Criminal Procedure, 1973 for confirmation of death sentence automatically becomes infructuous. The Judgment of conviction dated 28th March, 2017 and sentence dated 30th March, 2017 passed by Sri Tarun Kumar Sinha, learned 10th Addl. Sessions Judge, Muzaffarpur in Sessions Trial No.90 of 2015, arising out of



Sahebganj P.S. Case No. 207 of 2014, is hereby set aside and the appeal is allowed.

16. Since the Judgment of conviction and sentence in respect of the appellant has been set aside and the appellant is in custody, she is directed to be released forthwith, if not required in any other case.

(Rakesh Kumar, J)

(Arvind Srivastava, J)

nawalkrs/-

AFR/NAFR	A.F.R.
CAV DATE	22.03.2018
Uploading Date	17.05.2018
Transmission Date	17.05.2018

