

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.37 of 2019

Arising Out of PS. Case No.-38 Year-2018 Thana- PUSA District- Samastipur

Madhu Kumari Wife of Shailendra Kumar Bhardwaj Resident of village-
Dharmagatpur Bathua, P.S- Pusa, Dist- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-03-2019 Heard learned counsel for the parties.

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 by order dated **19.07.2018** passed by learned **Additional Sessions Judge 1st-cum-Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Samastipur**, in connection with **Pusa P.S. Case No. 38 of 2018** registered under Sections 120 (B), 302 and 376 of the IPC and Section 3 (1) (w), 3 (2) (5), 3 (2) (va) of SC/ST (Prevention of Atrocities) Act.

Informant is the daughter of deceased who in her fardbeyan has stated that in the night of 12/13.05.2018 at about 12:45 A.M. Govind Kumar Bhardwaj @ Sonu from his mobile



number threatened her that his father has sufficient wealth and as such she should pay some ransom and when his father had gone to bring the milk in the next morning at about 6:00 A.M. said Govind Kumar Bhartwaj @ Sonu and his brother Gotam Kumar Bhartwaj @ Manti caught hold of his father and Sonu stabbed in the stomach of his father by a pointed weapon and his brother Gotam Kumar Bhartwaj @ Manti helped him in killing his father, in the meantime his brother Sujit Kumar @ Ranjeet and elder sister Pramila Devi, were also going there saw the occurrence. The reason is that one and half years before Sonu had enticed away the informant and subjected her to sexual exploitation on promise of marriage, however, when she asked him to marriage him he refused.

It has been submitted on behalf of the petitioner that although she is named in FIR of helping the accused in committing the crime but after investigation police did not find case to be true against her and submitted final form against her. However, differing from the opinion of the police the court below has taken cognizance against her. Petitioner has got no criminal antecedent and is in custody since 15.05.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon



furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.
- (3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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