

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1956 of 2019**

Arising Out of PS. Case No.-76 Year-2019 Thana- SONEPUR District- Saran

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KIRAN KUMARI Wife of Pankaj Kumar Resident of Village - Sonepuradam,  
P.S.- Sonepur, District- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR THROUGH SPECIAL P.P. S.C. AND S.T.  
(Prevention of Autrocities) ACT Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Ranvijay Singh, Advocate  
For the Respondent/s : Mr.Usha Kumari I

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3      10-07-2019                      Heard learned counsel for the appellant 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 30.03.2019 passed by learned 1<sup>st</sup> Additional Sessions Judge, Saran at Chapra in connection with Sonepur P.S. Case No.76 of 2019, registered under Sections 302, 120 (B)/34 of the Indian Penal Code and also under Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with five other co-accused persons



are said to have committed murder of the son of the informant by hatching conspiracy on the basis of suicide note recovered from beneath the bed of the deceased later on.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. She has no concern with the aforesaid occurrence. There is no eye witness of the occurrence. Informant has suspected the hand of the appellant in the murder of his son only on the basis of the suicide note which was allegedly recovered from beneath the bed of the deceased. But there is vital contradiction between the statement of the informant and suicide note. As as per the statement of the informant appellant and other co-accused committed murder of his son while as per the suicide note the deceased has ended his life as appellant deceively married with him developing intimacy on the facebook and started living with him and on learning that she has already married. There is no evidence of marriage of appellant and deceased. There is also no evidence of any sort of relationship with the appellant and deceased and none had seen the deceased with the appellant. Injury report of referral hospital indicates that doctor treating the deceased has not found any external injury on his person and finding his condition serious, referred him to Sadar hospital,



Hajipur but father of the patient and attended fled away with the patient. The record indicates that the deceased never treated in Sadar Hospital Hajipur. There is no inquest report and no postmortem report of deceased and no incriminating article like poisonous substance was found at the P.O. no sign of injury was found on the dead body of the deceased either indicating the hand of the appellant in the occurrence of murder as alleged by the informant or committing suicide by the deceased as per the aforesaid suicide note. Appellant has been falsely implicated in the case only on suspicion. She happens to be a lady. She has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Sonapur P.S. Case No. 76 of 2019, subject to condition as laid down under Section 438 (2) of the



Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

T.Kr./-

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