

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1865 of 2019

Arising Out of PS. Case No.-2 Year-2009 Thana- SUPAUL District- Supaul

Md. Samad, Son of Late Md. Kalim @ Md. Kalam, Resident of Village - Ghuran, P.S. and Distt - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2006 of 2019

Arising Out of PS. Case No.-2 Year-2009 Thana- SUPAUL District- Supaul

1. Md. Suleman, S/o- Late Md. Safid @ Md. Safik, Resident of Village- Ghuran, P.S. and District- Supaul.
2. Domani Khatoon @ Bibi Lajina, W/O- Md. Suleman, Resident of Village- Ghuran, P.S. and District- Supaul.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1865 of 2019)

For the Appellant/s : Mr. Nafisuzzoha, Advocate

For the Respondent/s : Mr. Abha Singh, APP

(In CRIMINAL APPEAL (SJ) No. 2006 of 2019)

For the Appellant/s : Mr. Nafisuzzoha, Advocate

For the Respondent/s : Mr. Sujit Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 26-11-2019 Criminal Appeal No. 1865 of 2019 has been filed by the cousin father-in-law of the victim girl as well as the sister-in-law of the informant and Criminal Appeal No. 2006 of 2019 has been filed by the father-in-law and mother-in-law of the sister of the informant. They have been convicted, vide judgment and order dated 30.03.2019 passed by the learned



Additional Sessions Judge-II, Supaul in connection with Sessions Trial No. 182 of 2013, by which they have been convicted under Sections 498A/34 and 364/34 IPC and has been sentenced to undergo R.I. for 03 years under Section 498A/34 IPC and fine of Rs.10,000/- and in default of payment of fine, he has to further undergo R.I. for 01 months and further sentenced to undergo R.I. 10 years under Section 364/34 IPC and fine of Rs.25,000/- and in default of payment of fine, he has to further undergo for 03 months.

Both these cases have been taken up together for consideration of the bail of the appellants in both these appeal, after admission and receipt of LCR.

The ground for bail is that the appellants are cousin father-in-law of the victim girl as well as the sister-in-law of the informant. Case is under Section 498A of IPC, but no specific allegation has been attributed against any of the appellants. Moreover, except the informant who is brother of the victim girl has supported the prosecution case, who is brother of the victim girl and appellants no.1 and 3 of the villagers of the informant, but they have also no specific allegation mentioned. The victim girl is still trace-less. The investigation against the husband is still pending. However, they are in custody for about 08 months.



Heard learned A.P.P. for the State, also, who has opposed the prayer for bail stating that after considering the materials available on the record and they have convicted and sentenced.

Having heard both sides, in view of the discussions, as made above, let the appellants above named during the pendency of this appeal be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the trial court in connection with S.T. No. 182 of 2013.

There shall also be stay of order awarding fine by the learned trial court during the pendency of this appeal.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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