

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4256 of 2018**

Arising Out of PS. Case No.-224 Year-2018 Thana- LALGANJ District- Vaishali

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1. Mala Devi Wife of Amarjit Mahto
  2. Indu Devi Daughter of Amarjit Mahto Both Resident of Village Dilawarpur, P.S. Lalganj, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Anish Chandra  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

3      07-01-2019                      Learned counsel for the appellants is permitted to correct the prayer portion of the petition.

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 28.09.2018 passed by learned Additional Session-I-cum-Spl. Judge (SC/ST Act), Vaishali at Hajipur in connection with Lalganj P.S. Case No. 224 of 2018 registered under Sections 302, 201 and 34 of the Indian Penal Code read with Section 3(i)(r)(s), 3(ii)(v)(a) of the SC/ST Act.

Informant has alleged that when she and her husband were in home, Amarjit Mahto came and her husband



accompanied him to participate in the marriage function of his niece, however, he did not return and when she went to search him, his dead body was found. It has been alleged that FIR named accused including appellants have committed murder of her husband.

It has been submitted on behalf of the appellants that they are innocent and has been falsely implicated in this case only on suspicion. No overt act has been alleged against appellants. Appellants are ladies and have no criminal antecedent and they are in custody since 27.06.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners 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 petitioners.

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

**(S. Kumar, J)**

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