

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1154 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- BAHADURGANJ District- Kishanganj

SHEKHA RANI Wife of Ashok Kumar Sinha Resident of Dubadangi, P.S.-
Bahadurganj, Distt - Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 07-07-2020 The matter has been listed today for consideration
through Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard the parties.

The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Caste and Scheduled
Tribes(Prevention of Atrocities) Act,1989 against the refusal of
prayer for regular bail vide order dated 25.01.2020 passed by
learned Additional District and Sessions Judge 1st -Cum-Special
Judge Kishanganj in Bahadurganj P. S. case no. 300 of 2019
registered under Sections 302/34 and 306 of the IPC and Section



3(2)(v) of the SC & ST Act.

The prosecution case is that on 17.10.2019 when the informant returned to Ward no.1, in the house of Panch, namely, Akbar Ali, to enquire about the quarrel of some of the villagers for firewood. The informant did not find her children present at the house. While making search, she found her daughter, namely, Binti Kumar aged about 14 years is hanging. The allegation is levelled that son of the informant intimidated her that 17 persons all of whom are family members of the instant appellant have beaten her daughter and hanged her from the *sidhi*.

Appellant's counsel submits that she is innocent and it is a case of false implication. The version of the informant and the witnesses recorded during the course of investigation are contradictory. On account of pre-existing dispute over firewood, the entire family members have been implicated in the instant case. Some of the witnesses have also stated in investigation that victim has been done to death by her own parents. Even the charge-sheet has been submitted under section 306 of the I.P.C. Out of the 17 named accused persons, only three persons i.e. appellant, her husband and daughter have been sent up for trial and the remaining have not been sent up



for trial and final form has been submitted against them.

The learned APP for the State opposed the prayer for bail. Referring to different paragraphs of the case diary he has submitted that witnesses as well as the Officer supervising the investigation have supported the motive based on pre-existing quarrel on account of firewood.

Considering the rival submissions, this appeal is allowed. The impugned order dated 25.01.2020 passed by the learned Additional District and Sessions Judge 1st -Cum-Special Judge Kishanganj in Bahadurganj P.S. case no. 300 of 2019 is set aside.

Let the appellant, above named, be released on bail 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 Additional District and Sessions Judge 1st -Cum-Special Judge Kishanganj in Bahadurganj P.S. case no. 300 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(ii) That the appellant will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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