

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1521 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- DURAULI District- Siwan

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Sangita Devi @ Mumni, wife of Manoj Gupta Resident of Village-Don, P.S.-
Darauli, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Chandra
For the Respondent/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the Court proceeding is non-functional in
physical mode due to present pandemic COVID-19, the
matter is listed with defects.

Learned counsel for the appellant undertakes to
remove the defects within three weeks of resumption of
Court proceedings.

In case of non removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the appellant and



learned Special P.P. for the respondent-State.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 21.03.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the appellant's prayer for bail in connection with Darauli P.S. Case No. 161 of 2019, registered for the offences punishable under Sections 328, 302, 201, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of SC/ST (Prevention of Atrocities) Act has been rejected.

The prosecution case, as per the written report of Kanahaiya Baitha, submitted before the S.H.O, Darauli Police Station is to the effect that son of the informant Uttam Razak @ Guddu runs a poultry farm. The son of the informant also has a mutton shop in the market. On 12.10.2019, when the son of the informant did not come home till late night, the informant started searching his son in the morning. In course of search,



his neighbour, Sangeeta @ Mumni (appellant) informed the informant that at 11:00 A.M, the son of the informant came in her house and took out his cloths and mobile phone and entered into the pond in search of fish but he did not return back. The cloths and mobile phone were subsequently handed over to the informant. The informant, in pursuance to the information given by the appellant, started searching in around the pond when at about 1:00 P.M., the dead body of the son of the informant was found in the pond, leading to registration of the present case.

It is submitted by learned counsel for the appellant that only on the basis of suspicion, the name of the appellant has been sprang up in the present case, though F.I.R was lodged against unknown and apart from the suspicion, there is no material to connect the appellant with the crime. Moreover, the investigation has already been concluded.

A statement has been made in para 3 of the



petition that appellant is not having any criminal antecedent.

Learned A.P.P. submits that though appellant is not named in the F.I.R but subsequently her name sprang up during investigation.

Considering the nature of accusation being based on mere suspicion, the investigation having been concluded and the impugned order does not suggest that on the dead body, there is any injury, coupled with the fact that appellant is not having any criminal antecedent, the order dated 21.03.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Siwan is, hereby, set aside and the appellant above named is directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Darauli P.S. Case No. 161 of 2019.

However, in view of the present pandemic



COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Darauli P.S. Case No. 161 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

If the appellant defaults for two consecutive occasions during trial, learned Trial Court will be at



liberty to cancel the bail bonds of the appellant.

Accordingly, the appeal is allowed.

(Dinesh Kumar Singh, J)

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