

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1813 of 2020

Arising Out of PS. Case No.-144 Year-2019 Thana- GOPALPUR District- Bhagalpur

ANJALI DEVI Wife of Bambam Yadav Resident of Village- Naya Tola,
Bhawanipur, P.S.- Rangra, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vivekanand Vivek, Adv.

For the Respondent/s : Mrs. Usha Kumari, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-11-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 16.6.2020 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur, whereby the prayer for bail of the appellant in connection with Gopalpur (Rangra) P.S. Case No. 144 of 2019/S.T. No. 102/2020 registered under sections 302, 201, 120-B and 34 of the Indian Penal Code was rejected.

As per allegation in the FIR, the nephew of the informant proceeded late in the night stating that he had received a phone call from the appellant herein. It is further stated that next morning, the dead body of the informant's



nephew was found near the railway line. The informant states that she suspects that the aforesaid Anjali Devi along with other has conspired and killed him.

It is submitted by learned counsel for the appellant that except for an un-substantiated suspicion raised by the informant in the FIR, there is no other material against the appellant. It is submitted in reference to the order of the learned Court below that even in the course of investigation, the only material that has transpired is that the appellant, who happens to be wife of one Bambam Yadav, and the deceased were known to each other and the husband of the appellant herein namely, Bambam Yadav had told the deceased to stop calling his wife or he would face the consequences. It has further transpired in investigation that the appellant and her husband Bambam Yadav confessed their guilt. It is submitted that the alleged confessional statement was made before the police and has no value in the eye of law. It is submitted that Bambam Yadav has been enlarged on bail vide order dated 7.5.2020 passed in Cr. Appeal (SJ) No. 5721 of 2019. So far as the instant appellant is concerned, she was in the family way at the time of her arrest in June, 2019 and gave birth to a male child in custody. She has been in custody since 7.6.2019.



The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the materials that has transpired in course of investigation and which has been dealt with in detail in the order of the learned Court below together with the appellant being in custody since 7.6.2019 and grant of bail to co-accused husband of this appellant, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 16.6.2020 passed in S.T. No. 102/2020 by the learned Additional District and Sessions Judge-III-cum Special Judge SC/ST Act, Bhagalpur is set aside.

The appellant is directed to be enlarged on bail in connection with Gopalpur (Rangra) P.S. Case No. 144 of 2019/S.T No. 102/20 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-III-cum-Special Judge SC/ST Act, Bhagalpur.

(Partha Sarthy, J)

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