

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1639 of 2021**

Arising Out of PS. Case No.-19 Year-2015 Thana- MITHANPURA District- Muzaffarpur

ZAMILA KHATOON W/o Langar Mian @ Hadish Mian R/o village- Dhiran
Chapra, P.S.- Bela, Distt.- Muzaffarpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-04-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The present appeal has been preferred for setting aside the order dated 08.01.2021 passed by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Muzaffarpur in Mithanpura P.S. Case No. 19 of 2015 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST (POA) Act whereby prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that as per



the prosecution story, there was a quarrel between the brother of the informant, namely, Pradeep Paswan (deceased) and maternal grandson of the appellant due to which his slipper was ripped. The appellant came at the door of the informant and abused him by caste name and also threatened to kill his brother. After ten minutes, son of this appellant took away the deceased to get the slipper stitched and alongwith the appellant and others had assaulted and murdered him by pressing his neck and hanged him on the litchi tree.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. Learned counsel further submits that there is no eye-witness to this incident. It is submitted that the appellant has got no criminal antecedent and she is lying in custody since 01.10.2020.

Learned Spl. P.P. for the State is present and has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case, wherein it appears from the records that in the present case the appellant was absconding for almost five years before her arrest on 01.10.2020, this Court is not inclined to release her on bail at this stage.



The trial court is expected to conclude the trial against this appellant as expeditiously as possible, preferably within a period of six months from today.

If the trial is not concluded within a period of six months for no reason attributable to the appellant, she may renew her prayer for bail.

This appeal is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

