

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3122 of 2021

Arising Out of PS. Case No.-611 Year-2020 Thana- SAHARSA District- Saharsa

Bauni Devi Wife of Chandeshwari Sah @ Babajee Sa Resident of Nayabazar
Thakur Tola, Ward No. 2, Saharsa, P.S.- Saharsa, District - Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Adv.
For the Respondent/s : Spl.PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-08-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 5.3.2021 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST (POA) Act, Saharsa, whereby the prayer for bail of the appellant in connection with Special Case no.94 of 2020 (arising out of SC/ST P.S. Case No.611 of 2020) registered under section 302 and other sections of the Indian Penal Code and sections 3(1)(r) (s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act, 1989, was rejected.

As per allegation in the F.I.R., on the murder of the husband of the informant, a suspicion has been raised against the seven named accused persons including the appellant herein.



It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. No material has transpired in course of investigation to connect the appellant with the alleged crime. The only material against the appellant is the suspicion raised against him in the F.I.R. The case of the appellant stands on a similar footing to that of a coaccused Chandeshwari Sah who has been enlarged on bail vide order dated 23.3.2021 (Annexure-3). The appellant who is a lady having no criminal antecedent is in custody since 17.8.2020.

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

Having heard learned counsel for the parties and taking into consideration the investigation in the case having concluded, the appellant being a 65 year old lady who is in custody for nearly one year, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 5.3.2021 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC and ST (POA)Act, Saharsa, is set aside.

The petitioner is directed to be enlarged on bail in connection with Special Case no.94 of 2020 (arising out of



SC/ST P.S. Case No.611 of 2020) 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 (POA) Act, Saharsa.

(Partha Sarthy, J)

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