

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1989 of 2020**

Arising Out of PS. Case No.-141 Year-2017 Thana- SIWAIPATTI District- Muzaffarpur

KHUSHBOO KHATOON Daughter of Md. Taslim Ansari Resident of Village
- Kharar, P.S.- Minapur, District - Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shanti Bhushan Singh
For the Respondent/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 03.06.2020 passed by learned Additional Sessions Judge 9th-cum-Special Judge (SC/ST Act), Muzaffarpur in connection with Siwaipatti P.S. Case No. 141 of 2017 under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that the informant's son was shot dead by unknown miscreants. From the pocket of informant's son some articles have been recovered from which



it appears that son of informant used to talk with this appellant and it might happen that appellant's family member or another lover of this appellant along with others, after hatching up criminal conspiracy committed murder of informant's son.

It is submitted on behalf of appellant that there is no eye-witness of the occurrence and has been made accused in this case only on the basis of some articles which were recovered from the pocket of deceased. In the FIR, the informant only suspected that this appellant used to talk with the deceased. It is further submitted that there was love affair between co-accused Raushan Khatoon and deceased and the appellant has been made accused only because she is cousin of co-accused Raushan Khatoon. Save and except suspicion, there is no material against this appellant. No case under SC/ST Act, is made out. Appellant is a lady having no criminal antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 03.06.2020 passed by learned Additional Sessions Judge 9th-cum-Special Judge (SC/ST Act), Muzaffarpur, is set aside.

Let the appellant above-named, in the event of her arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this



order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 9th-cum-Special Judge (SC/ST Act), Muzaffarpur, in connection with Siwaipatti P.S. Case No. 141 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

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