

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.151 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

SANDHYA DEVI Wife of Bharat Kumar Maurya @ Bairister Singh Resident
of Village - Orgain, P.S.- Bhagwanpur, District - Kaimur (Bhabhua).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Vikramdeo Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

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

5 08-07-2021 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.

Appellant in the present case is seeking to set aside
the order dated 28.08.2020 passed by learned 1st Additional
Sessions Judge-cum-Special Judge, Kaimur at Bhabua in
connection with B.P. No. 139 of 2020, arising out of Adhaura
P.S. Case No. 28 of 2020 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 3(2)
(v)(vi) of SC/ST Act whereby and whereunder his prayer for
regular bail was rejected.



As per the prosecution story, on 16.04.2020, the son of the informant went towards Bhagwanpur on his motorcycle but didn't return. On 18.04.2020 the informant got information that the dead body of his son is lying near Dharti Mata Mandir and when the informant along with co-villagers went there he found his son's dead body.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that in course of investigation no material has come to show that this appellant had taken away the victim to her husband, her name has transpired allegedly saying that she was seen moving around on the motorcycle with the deceased but there is no specific witness of this occurrence.

Learned Spl. P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that as per allegation, the appellant had got extramarital affair with the deceased and it was she who had taken him to her husband and the co-accused and then the deceased was killed, however, in course of investigation no material has come to show that this appellant had taken away



the victim to her husband, her name has transpired allegedly saying that she was seen moving around on the motorcycle with the deceased but there is no specific witness of this occurrence and on this point also.

Learned Spl. P.P. for the State admits that there is no eye-witness to the alleged occurrence, the appellant has remained in custody in connection with the present case since 25.04.2020, investigation against her is complete but the trial is not likely to be taken up in near future, she is said to involved in a case under Section 498A which is lodged by the wife of the deceased but the same has already been compromised, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with B.P. No. 139 of 2020, arising out of Adhaura P.S. Case No. 28 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(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'.

