

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.96 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- BAKHARI District- Begusarai

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SEETA DEVI @ RANI DEVI WIFE OF HARINARAYAN MAHTO @
HARINARAYAN MAHTON VILLAGE DARHA, HARI SINGH, WARD
NO. 02, P.S. BAKHRI, DISTRICT BEGUSARAI

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 07-07-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Binay Krishna, learned Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 06.10.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities Act) Begusarai in connection with Bakhri P.S. Case No. 304 of 2020 registered for the offences punishable under Section 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(s), 3 (2) (v) of SC/ST(Prevention of Atrocities) Act whereby and whereunder the prayer for bail of the appellant was



rejected.

Learned counsel for the appellant submits that as per the prosecution story, one Manju Devi gave information to Police on 18.7.2020 at around 8.00 am that the accused persons came to her house after forming unlawful assembly with common intention on refusing to cut the trees. They abused her husband and other persons and beaten them incessantly by lathi and Danda. One of the accused fired on her husband and later on he succumbed to firearm injury.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegations against the appellant. The Appellant is in custody since 4.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the contention of learned counsel for the appellant and not denied by learned Spl.P.P. for the State that so far as this appellant is concerned she has been named in the FIR amongst eleven accused persons but there is no specific allegation against her, the allegation of causing firearm injury which proved fatal to the life of the husband of the informant has been specifically



made against co-accused Hari Narayan Mahto, further considering that this appellant is a female member of the family and she has got no criminal antecedent and has remained in jail in connection with the present case since 4.10.2020, investigation against her is complete but the trial is not likely to be concluded in near future, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities Act) Begusarai in connection with Bakhri P.S. Case No. 304 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her 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 have concealed her 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.

The application 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'.

