

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.711 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- TARAIIYA District- Saran

PUJA DEVI WIFE OF MADAN PASWAN @ MADAN MANJHI
RESIDENT OF VILL- POKHARERA, P.S- TARAIIYA, DIST- SARAN AT
CHHAPRA .

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Binode Bariar, Advocate
For the Respondent/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-06-2021 Heard learned counsel for the appellant and learned APP
for the State through video conferencing.

The instant appeal has been preferred against the order dated 13.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, POA Act, Saran at Chapra whereby the prayer for bail of the appellant in connection with Taraiya P.S Case No.232 of 2020 registered under sections 302 and 34 of the Indian Penal Code and sections 3(1)(r)(w)(v) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, it is stated by the informant that while she was sitting with her husband, the four named accused persons including the petitioner herein came and started to abuse them. Thereafter they started to assault her husband and



on a crowd gathering there, they went away. It is further stated that after some time all of them came variously armed and while the appellant herein caught hold of the informant's husband, the other three accused persons assaulted him with a knife as a result of which he was injured and on being taken to the doctor was declared dead.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. The appellant and the informant's side are agnates. The appellant who is a lady having no criminal antecedent has been falsely implicated. The death of the informant's husband took place in a manner other than what has been described in the FIR. The appellant is in custody since 11.7.2020.

The appeal is opposed by the learned APP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the appellant being a lady, no overt act having been alleged against the appellant and she having remained in custody for over one year, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 13.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, POA Act,



Saran at Chapra is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Taraiya P.S. Case No.232 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST, POA Act, Saran at Chapra.

(Partha Sarthy, J)

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