

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.911 of 2022

Arising Out of PS. Case No.-163 Year-2020 Thana- DURAULI District- Siwan

1. DEVRATI DEVI W/o Chandeshwar Yadav R/o village- Bawna, Kanhauli, P.S.- Darauli, District- Siwan, Bihar, Pin- 841235
2. Mira Devi W/o Ramaashish Yadav R/o village- Bawna, Kanhauli, P.S.- Darauli, District- Siwan, Bihar, Pin- 841235

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bharat Sharma S/o Krishna Sharma R/o village- Bawna, Kanhauli, P.S.- Darauli, District- Siwan, Bihar, Pin- 841235

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 930 of 2022

Arising Out of PS. Case No.-163 Year-2020 Thana- DURAULI District- Siwan

AJAY YADAV Son of Ramashish Yadav Resident of Vill. Bawna, Kanhauli, P.S. Darauli, District - Siwan, Bihar, Pin- 841235.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bharat Sharma Son of Krishna Sharma Resident of Vill. Bawna, Kanhauli, P.S. Darauli, District - Siwan, Bihar, Pin- 841235.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 911 of 2022)

For the Appellant/s : Mr.Venkatesh Kirti

For the Respondent/s : Mr.Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 930 of 2022)

For the Appellant/s : Mr.Akhileshwar Singh

For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 22-09-2022 Heard learned counsel for the appellants and learned
APP for the State.



Learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellants under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 11.02.2022 in connection with Darauli P.S.Case No. 163 of 2020, registered for the offences punishable under Sections 341, 323, 354, 302, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r,s)/ Section 3 (2) (v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

As per allegation, the appellant Ajay Yadav was talking with the sister of the informant Raj Kumari. Meanwhile, the accused persons named in the FIR including the appellants came there and they levelled allegation that the sister of the informant had love and affection with the appellant Ajay Yadav. They threatened to burn alive her. On 19.07.2020 the appellant Mira Devi came to the house of the informant and took Raj Kumari to her house. Thereafter when the informant went to the house of the appellants searching his sister they apprised him that they killed the sister of the informant. The informant went



near a temple and saw his sister in semi-unconscious state. She was brought to the hospital where she was declared dead.

The learned counsel for the appellants had submitted that the deceased and the appellant Ajay Yadav were in love and affection. The deceased was member of the Lohar caste and Ajay Yadav belongs to Yadav caste. For some reasons, the appellant Ajay Yadav and Raj Kumari consumed poisonous substance. Raj Kumari died but Ajay Yadav saved luckily after treatment in the hospital which is corroborated by medical papers (Annexure-2).

Mr. Shailendra Kumar, learned APP has submitted that the viscera report is still awaited.

In paragraph nos. 6 and 7, the independent witnesses have supported the occurrence and named the appellants but the independent witnesses in paragraph nos. 32, 33 and the 34 of the case diary have stated that the appellant Ajay Yadav and the deceased Raj Kumari both made plan to commit suicide and they both consumed poisonous substance. Both were admitted to the hospital. Raj Kumari Devi died, but Ajay Yadav was saved luckily.

Considering the facts and circumstances, the appeal is allowed and the impugned order dated 11.02.2022 is set aside.



Accordingly, in the event of arrest or surrender within four weeks from today, the appellants of both the cases, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Siwan in connection with Darauli P.S.Case No. 163 of 2020.

Office shall ensure that all the defects are removed by the appellants within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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