

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.719 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- HATHAURI District- Muzaffarpur

Julekha Khatoon Wife Of Mohammad Mumtaz Present R/O Sipahpur And
Permanent R/O Raghopur Salempur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Paswan Wife Of Late Awadh Paswan R/O Tamoliya, P.S.- Bochaha,
District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Siddharth Shankar Pandey
For the Respondent/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 27-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
28.05.2022 passed by learned Additional District &
Sessions Judge-I-cum-Special Judge, SC/ST Act,
Muzaffarpur in connection with Hathauri P.S. Case No.
34 of 2022 instituted for the offences punishable under
Sections 302, 201, 120(B)/34 of the Indian Penal Code
and Sections 3(2)(va) of the SC/ST Act whereby his
prayer for being released on bail has been rejected.

It is a case of commission of murder of the



husband of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence nor during investigation any independent witness has claimed to have seen the occurrence. The appellant and the informant were known to each other from before and in the background of some dispute between them, the present accusation has been levelled against the appellant and other family members. During investigation, no consistent material evidence has come against the appellant to connect her in the present case. The appellant is lady and languishing in custody since 23.03.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail



of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 28.05.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Hathauri P.S. Case No. 34 of 2022.

(Sunil Kumar Panwar, J)

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