

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.855 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- PHULWARISHARIF District- Patna

Shakuntala Devi W/O Santosh Chaudhry Resident Of Village- Phulwari Sharif, P.S.- Phulwarisharif, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shadab Akhter

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-08-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

The instant appeal has been filed by the appellant against the order dated 06.01.2023 passed by learned Special Judge SC/ST, Patna Sadar in Special Case No. 80 of 2022 whereby the prayer for bail of the appellant in connection with Phulwarisharif P.S. Case no. 305 of 2022 under Sections 302 , 34 and 120B of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

According to the FIR, it is alleged that the appellant is indulged in hatching conspiracy to kill the son of the informant in connivance with other co-accused persons. It is further alleged that the appellant had extra marital affairs with the co-



accused person.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. She has not taken the caste name of the informant's son in public view. She has got no criminal antecedent as per para-3 of this petition. No offence is made out under the provisions of the SC/ST Act against her. The appellant has no intention to disgrace the image of the informant's son in public view. It is further submitted that the name of the appellant came into light in this case on the basis of confessional statement of other co-accused, namely, Md. Saddam before the police which has got no evidentiary value in the eye of law. It is also submitted that neither any consistent material nor any specific evidence has come against the appellant, only on the basis of suspicion, she has been dragged in this case. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 03.08.2023. in Cr. Appeal(SJ) No. 2260 of 2023. Moreover, the appellant is languishing in judicial custody since 25.03.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration that the appellant being a lady and her



period of custody, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 06.01.2023 passed in Special Case No. 80 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Phulwarisharif P.S. Case No. 305 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST, Patna Sadar, Patna with a following conditions:-

(i) Appellant shall co-operate in the trial and shall be present on each and every fixed date and on her absence on two consecutive dates without sufficient reason, her bail bond will be cancelled by the Court below.

(ii) If the appellant tampers with the evidence or threatens the witnesses in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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