

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1156 of 2023**

Arising Out of PS. Case No.-211 Year-2021 Thana- BAKHTIARPUR District- Saharsa

GURIYA KHATOON W/o Md. Nehal R/o Village- Ganga Prasad, Ward no. 6,
Sitanabad, P.S.- Bakhtiyarpur, Distt- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Debu Das S/o Late Vilas Das R/o Village- Kewatgama, Panchayat-
Laxmipur Chadiasthan, Ward no. 12, P.S.- Kumarkhand, Distt- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra, Advocate.
For the Respondent/s : Mr. Abhay Kumar, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT**

Date : 05-04-2023

Heard Pramod Mishra, learned counsel appearing
on behalf of the appellant, Mr. Abhay Kumar, learned counsel
for informant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the
Schedule Caste/Schedule Tribe, Prevention of Atrocities Act,
(hereinafter referred to as 'SC/ST Act') has been preferred
against the order dated 15.01.2022 passed by learned
Additional Sessions Judge-III -cum-Special Judge, Saharsa, in
connection with Regular Bail Application No.681 of 2021
arising out of Bakhtiyarpur P.S. Case No. 211 of 2021,
registered for the offences punishable under Sections 302,
201, 120B of the Indian Penal Code. Later on charge-sheet has



been submitted under Sections 302, 201, 120B of the Indian Penal Code and under Sections 3(2)(va), 3(2)(v) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellant has been rejected.

Earlier, the appeal preferred by the appellant was rejected taking into consideration the materials available on record and also the fact that trial is at the fag end and the same was likely to be concluded in a short span of time. However, while rejecting the aforesaid appeal liberty was granted to the appellant to renew her prayer for bail after three months with the status of trial if there is no substantive progress in the trial.

A report was called for from the trial court, and it has been informed that presently the record is listed for defence evidence.

Mr. Mishra, learned counsel for the appellant submits at the bar that the appellant is a helpless lady and the only allegation against her is, she had illicit relation with the deceased and the body of the deceased has been recovered in the same village where the appellant resides.

On the other hand, learned Spl. PP for the State opposes the bail application and submits that the record is listed for defence evidence, and it appears that the trial would



be concluded in a very short span of time.

Having regard to the observation made by this Court and considering the delay in disposal of the trial, let the appellant, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III -cum-Special Judge, Saharsa in connection with Bakhtiyarpur P.S. Case No. 211 of 2021.

Accordingly, the impugned order dated 15.01.2022 is hereby set aside, and the present appeal is allowed.

It is needless to say that the appellant will remain present on each and every date of the trial till its conclusion and her absence for two consecutive dates would result into cancellation of her bail bonds.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2023.
Transmission Date	07.04.2023.

