

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3585 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- MAHISHI District- Saharsa

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Puniya Devi W/O Pappu Yadav R/O Village- Rakathi, Ward No.02, Ps. Mahishi, Dist. Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Shaili Devi W/O Rajo Ram R/O Village- Rakathi, Ps. Mahishi, Dist. Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhav Jha
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 20.06.2023 passed by learned Additional Sessions Judge, 1st, Saharsa-cum-Special Judge, SC/ST Act, Saharsa in connection with Mahishi P.S. Case No. 366 of 2022 instituted for the offences punishable under Sections 363, 365 of the Indian Penal Code. Later on Sections 302, 120(B), 201, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va), 3(2)(v) of the SC/ST Act were added, whereby his prayer for being released



on bail has been rejected.

It is a case of commission of murder of the son of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and she has falsely been implicated in this case. There is an inordinate delay of four days in lodging the F.I.R without having any valid reason. The appellant is not named in the F.I.R and his name subsequently sprang up on the confessional statement of co-accused. There is no eye witness to the occurrence. During investigation, no consistent material evidence was collected against the appellant. The appellant is in custody since 27.02.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, 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 20.06.2023.

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, Saharsa in connection with Mahishi P.S. Case No. 366 of 2022.

(Sunil Kumar Panwar, J)

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