

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3591 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- NAUGACHIA District- Bhagalpur

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RINKU DEVI W/o Sanoj Das @ Nanku Harijan R/o Nagrah, P.S.-
Naugachhia, Distt- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. LILMA DEVI W/o Late Dinbandhu Harijan R/o Nagrah, Ward no. 07, P.S.-
Naugachhia, Distt- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Upadhyaya

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 27-02-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 25.08.2022,
passed by Ld. 3rd Additional District and Sessions Judge, cum
Spl. Judge (SC/ST), Bhagalpur in connection with Naugachia
P.S. Case No. 440 of 2021, registered for the offences



punishable under Sections 302, 201 and 34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 29.12.2021 the daughter of the informant received an information that someone has killed his brother, namely, Kishan Kumar and thereafter when they went to the place of occurrence, they found his dead body lying in mud. Land dispute between both the parties is also there.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is not named in the FIR rather his name transpired in the confessional statement of co-accused Puran Yadav and on the basis of whole charge-sheet, no role of this petitioner is made out in the commission of the alleged offence.

He further submits that the appellant has been languishing in jail since 23.01.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.



It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 25.08.2022, passed by Ld. 3rd Additional District and Sessions Judge, cum Spl. Judge (SC/ST), Bhagalpur, and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 3rd Additional District and Sessions Judge, cum Spl. Judge (SC/ST Act), Bhagalpur or successor Court, Bhagalpur in connection with Naugachia P.S. Case No. 440 of 2021, on the following conditions:

(i) The appellant will make herself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that



investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or the court whenever her presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, Ld. trial court shall cancel the bail bonds of the appellant after hearing her and getting satisfied that the appellant has concealed her criminal antecedents despite her knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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