

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4069 of 2023**

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

Ankit Gupta @ Sahil S/O Late Ram Gupta Village- Chunauti Kuan, Ps- Phulwari Sharif, Dist- Patna Appellant/s

Versus

1. The State of Bihar
2. KRISHNA CHOUDHARY SON OF LATE DALAI CHOUDHARY MOHALLA- BARI KHAGAUL, PS- KHAGAUL, DIST- PATNA Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 09-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 11.08..2023 passed by learned Special Judge SC/ST, Patna in Special Case No. 93 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 submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in the FIR. He has no concern with the murder of the informant's son. He 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 him. 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, his name 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 2.6.23.

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 11.08.2023 passed in Special Case No. 93 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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