

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3775 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Hareram Yadav Son Of Late Shiv Yadav @ Late Shivji Yadav Resident Of Village- Ramjanipur, P.S.- Shiv Narayanpur(Kahalgaon), District- Bhagalpur
2. Rinku Devi Wife Of Naga Yadav @ Arun Yadav Resident Of Village- Ramjanipur, P.S.- Shiv Narayanpur(Kahalgaon), District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bihari Paswan Son of Ganori Paswan Resident of-Bishanpur P.S.- Shiv Narayanpur, District- Bhagalpur

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-04-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

16.09.2022 passed by learned 3rd Additional Sessions

Judge-cum-Special Judge, SC/ST Act, Bhagalpur in

connection with Kahalgaon (Shiv Narayanpur) P.S. Case

No. 265 of 2022, Special SC/ST Case No. 120 of 2022

instituted for the offences punishable under Sections

328, 302/34 of the Indian Penal Code, however, police

has submitted charge-sheet under Sections 341, 323,



504, 328, 306, 34 of the Indian Penal Code and Sections 2(2)(v) of the SC/ST Act whereby their prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that the informant gave fardbeyan that his wife Aarti Devi was doing vegetable business with Naga Yadav and she earned Rs. 1,80,000/- and kept in the bank account of Naga Yadav. She also used to carry Rs. 20,000/- and one mobile. It is further alleged that since 26.02.2022 his wife was not traceable. On 28.02.2022, he found the dead body of his wife in Mayaganj Hospital and he got information that Naga Yadav along with others after giving poison to his wife killed her.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the appellants. The informant is not the eye witness to the occurrence. There is no direct and consistent evidence against the appellants. It



is further submitted that prior to the occurrence, the informant has not made any complaint with respect to money deposited in the account of Naga Yadav. The appellants are in custody since 16.05.2022.

Learned Special P.P appearing on behalf of the State has 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 16.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No. 265 of 2022, Special SC/ST Case No. 120 of 2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST



Act, Bhagalpur in connection with Kahalgaon (Shiv
Narayanpur) P.S. Case No. 265 of 2022, Special SC/ST
Case No. 120 of 2022.

(Sunil Kumar Panwar, J)

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