

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4429 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- NAVINAGAR District- Aurangabad

XXXXXXXXXX, Wife of Dhananjay Yadav @ Raghav, D/O Shiv Yadav
Resident of In-Law's Village- Chandragadh, Ps- Navinagar, Dist- Aurangabad
And Resident of Parental Village- Singhwan, Po- Belwa Dumari, P.S.- Deo,
Dist- Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh, Adv. Mrs. Divya Bharti, Adv.
For the Respondent/s	:	Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 18-12-2023 1. Heard learned counsel for the appellant and learned
APP for the State.

2. The instant appeal has been filed under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, against the order dated 02.05.2023 passed by learned Children Court-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 95 of 2022 registered for the offence(s) punishable under Section(s) 302 and 201 read with 34 of the Indian Penal Code, whereby and whereunder the prayer for bail made by the appellant has been rejected.

3. The main submissions advanced by learned counsel for the appellant are that the appellant is a 19 year old



lady in the present time and she has been declared juvenile and at the time of alleged occurrence, she was about 17 years old and she has been made accused merely on suspicion and there is no direct evidence against her and she is wife of the deceased and the informant lodged the FIR merely on the basis of suspicion. Further submission is that the appellant has been languishing in observation home since 25.03.2022 and she belongs to poor family and her parental family members are ready to take care of her after her release and her social investigation report is also not against her.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Heard both the sides. Presently the appellant is stated to be a 19 year old lady and she has been declared child and as per the above submission, she was 17 years old at the time of commission of the alleged occurrence and her conviction is mainly based on circumstantial evidence and the social investigation report is not against her. She has been languishing in observation home since 25.03.2022 which is sufficient her protective custody period. In my opinion, in the said circumstances, the appellant deserves to be released from the observation/remand home. Accordingly, let the appellant named-above be released on bail on furnishing bail bond of Rs.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Children Court-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 95 of 2022 on the following conditions:

(i) Both the bailors shall be parents of the appellant, who shall file their undertaking before the trial court at the time of furnishing bail bond to this effect that they shall take care of the appellant after her release from the remand home during the appellant’s trial.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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