

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.504 of 2024

Arising Out of PS. Case No.-250 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Vibha Devi Wife Of Bipin Sah@ Binod Sah Resident Of Village- Jinedpur,
Ps- Muffasil, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushalya Devi Wife Of Sikandar Ram Resident Of Village- Husan Bazar,
Ps- Naokothi, Distt- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Ram Sandesh Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2024 Heard Mr. Rakesh Kumar, learned counsel for the

appellant, Mr. Ram Sandesh Roy, learned counsel appearing on

behalf of the Respondent No. 2 as well as Ms. Usha Kumari1,

learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 04.01.2024
passed by the learned Exclusive Special Judge, SC/ST (POA)
Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case
No. 250 of 2022, F.I.R. dated 24.09.2022 registered under
Sections 304, 120B/34 of the Indian Penal Code and Section
3(1)(r)(s) / 3(2)(va) of the Scheduled Castes and Scheduled
Tribes Act (POA).



3. Earlier the bail application of the appellant has been rejected by this Hon'ble Court vide order dated 22.09.2023 passed in Cr. Appeal (SJ) No. 1084 of 2023.

4. Learned counsel for the appellant submits that appellant has clean antecedent and she has falsely been implicated in the present case. He further submits that after rejection of the bail application of the appellant the co-accused persons have been granted bail by the Co-ordinate Bench of this Hon'ble Court and in view of the this the appellant has filed the present appeal for renewal of his bail application.

5. Vide order dated 16.02.2024 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 24.02.2024 reveals that the trial is stayed by the Hon'ble Court in Cr.W.J.C No. 935 of 2023.

6. Learned counsel for the appellant submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the appellant is in judicial custody since 12.01.2023. He further submits that the co-accused person, namely, He further submits that the co-accused, namely, Ram Bilas Singh @ Dr. R.B. Singh who is doctor has been granted bail by the Co-ordinate Bench of this Court vide order dated 15.12.2023 passed in Cr. App. (SJ) No. 2365 of



2023, co-accused, namely, Sumit Kumar @ Bhujang @ Bhuganji @ Bhujangi Kumar who is staff in the hospital has been granted bail by the Co-ordinate Bench of this Court vide order dated 14.12.2023 passed in Cr. App. (SJ) No. 2520 of 2023 and another co-accused, namely, Amardeep Kumar who is owner of the hospital has been granted bail by the Co-ordinate Bench of this Court vide order dated 08.12.2023 passed in Cr. App. (SJ) No. 200 of 2023.

7. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that from perusal of the F.I.R it appears that the appellant is the main accused and she has conducted the operation without having the requisite qualifications.

8. Considering the facts and circumstances of the case as well as report of the learned Trial Court, let the appellant, above named, 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 learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 250 of 2022, with other following conditions:-



i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellant has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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