

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1093 of 2024

Arising Out of PS. Case No.-99 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

Gayatri Devi Wife Of Khagesh Mandal @ Rakesh Kumarr Mandal Resident
Of Village- Sirmata Ps- Takapatti, Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanchu Das Son Of Late Ashrfi Das Resident Of Village- Garaiya, Ps-
Dholbazza, Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-08-2024 Heard Mr. Sharda Nand Mishra, learned counsel for

the appellant as well as Mr. Binay Krishna, 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
11.01.2024 passed in S.T. Case No. 952 of 2023 passed by the
learned Additional Sessions Judge-III-Cum Special Judge
SC/ST (POA) Act, Bhagalpur in connection with Dholbajja P.S.
Case No. 99 of 2022, F.I.R. dated 18.10.2022 registered under
Sections 302, 120B and 34 of the Indian Penal Code and
Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes
(POA) Act.



3. According to the prosecution case, all the accused persons including this appellant have murdered the son of the informant due to land dispute.

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 the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation attributed against the appellant and except the suspicion no other cogent material has come during the investigation to suggest the involvement of the appellant in the present occurrence.

5. Vide order dated 04.07.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 04.07.2024 reveals that out of seven witnesses only one witness has been examined.

6. Learned counsel for the appellant submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 25.07.2023.

7. Learned Special Public Prosecutor for the State,



on the other hand, has vehemently opposed the prayer for bail of the appellant.

8. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-Cum Special Judge SC/ST Act, Bhagalpur in connection with S.T. Case No. 952 of 2023 arising out of Dholbajja P.S. Case No. 99 of 2022, with the 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 his/her absence on two consecutive dates without sufficient reason, his/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 appellant 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.

7. Accordingly, the impugned order 11.01.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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