

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2186 of 2023

Arising Out of PS. Case no.-433 year-2022 thana- noorsarai district- Nalanda

Jyoti Kumari, aged about 27 years, Female, Wife Of Ranjan Kumar,
Resident Of Village- Barakhurd PS- Noorsarai, Distt- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Kumari Shobha, aged about 28 years, Wife Of Late Vikash Kumar Choudhary Resident Of Village- Nanad ,PS- Shelio, Distt- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Chandram, Advocate

For the Respondent/s : Mr. Binay Krishna, Special P.P.

For the Informant : Mr. Md. Imteyaz Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

C.A.V. ORDER

13 10-04-2024

Heard learned counsel for the petitioner, learned

Special P.P. for Vigilance and learned counsel for the informant
at length.

2. The appellant has preferred the present appeal filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 28.02.2023 passed by learned A.D.J. III-cum-Special Judge, SC/ST Act, Bihar Sharif (Nalanda) arising out of Noorsarai P.S. Case No. 433 of 2022 in SC/ST P.S. Case No. 29 of 2023 instituted for an offence under Sections 302, 201 and 120B of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act by which the appellant's prayer for bail was rejected.

3. Prosecution story in brief is that when one Chowkidaar



was patrolling his area around 02.00 PM he got information that in Village Nadi chilka near Bhiarsharif, Parwalpur Road, human body parts packed in a bag is thrown. It is alleged by the informant that on getting such information, he reached the spot and saw that in a white bag human hands and leg were thrown by someone. It is also alleged by the informant that from seeing the body parts, it can be assumed that same is of male. Based on aforesaid written report, the SHO Sri Birendra Choudhary on Noorsarai Police Station registered Noorsarai P.S. case no. 433 of 2022 registered u/s 302, 201 / 34 of the I.P.C. against the unknown accused persons.

4. The learned Special P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the appellant and submitted that the appellant is the main assailant in the present case and appellant along with her husband killed the deceased and chopped the body of the deceased into different pieces. Learned counsel for the informant further submitted that the appellant is directly involved in the present case and the CDR shows that the appellant and deceased's last tower location was same. He further submitted that the appellant and her husband confessed the committing of the alleged offence in their confessional statement.



5. The learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to dirty village politics. He next submits that the appellant was apprehended on the basis of Call records and further stated that the deceased was having illicit relation with the appellant and in view of that, the husband killed the deceased and the appellant is having two small children, and as such, the appellant may be granted bail for the sake of the two children.

6. On perusal of first information report, case dairy, FSL report, seizure list and impugned order dated 28.02.2023, it appears that the appellant is directly involved in the present matter and on perusal of CDR report, it also appears that the appellant was in contact with the deceased through their mobile phones and the tower location of the appellant was also detected at the same place where the deceased last talked on mobile with the appellant. On perusal of FSL report, it also appears that the blood stains which recovered from the various articles at the appellant's house and from tempo bearing registration no.BR-01PJ-5102 is of the same person/male and the mutilated head and torso of the deceased was recovered on the confessional statement given by the appellant and her husband.

7. Considering the above facts and circumstances of the



case, it appears that the appellant is directly involved in the brutally murder of the deceased with her husband, this is a very serious and heinous offense and, as such, I am not inclined to grant bail to the appellant.

8. The service report dated 21.12.2023 from Additional Sessions-VI-cum-Special Judge (SC/ST) Act, Nalanda at Bihar Sharif was received and he has stated that nine witnesses is to be examined and it will take eight months to conclude the trial.

9. Accordingly, the prayer for bail of the appellant is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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