

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3135 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MUSRIGHRARI District- Samastipur

SANJU DEVI WIFE OF RAJENDRA MAHTO Resident of Village -
Gangapur, Ward No.- 2, P.S. - Musrigharari, District - Samastipur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. SAJNI DEVI WIFE OF ROHIT DAS Resident of Village - Gangapur, Ward
No.- 2, P.S. - Musrigharari, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-09-2024 Heard learned counsel for the appellant as well as
learned special P.P. for the State.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 18.5.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur arising out of Musrigharari P.S. Case No. 19 of 2024, registered for the offences punishable under Sections 302/34 of the Indian Penal Code & Sections 3(2) (v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. The informant Sajni Devi makes allegation that her



husband (deceased) who was an electrician, went on his works in the evening of 07.02.2024, but he did not return. In the morning of 08.02.2024, she got an information that a person is lying in injured condition near Saw mill in Gangapur Pethiya. The informant went there with the villagers and saw the dead body of her husband. The bicycle of the deceased was also present there. The house of the appellant was also situated nearby the place where the dead body was lying. The informant makes suspicion that the husband of the appellant along with the appellant and other co-accused persons, named in the FIR, with whom earlier altercation had taken place, had committed murder of the deceased.

4. The learned counsel for the appellant has submitted that the appellant is a lady of clean antecedent. None had seen the occurrence. No motive has been assigned in the FIR for commission of the occurrence. He has submitted further that except confessional statement of husband of the appellant, there is nothing against her. He has also submitted that the confessional statement has no probative values in the eye of law.

5. It appears that the appellant is a lady of clean antecedent and except confessional statement of husband of the appellant, which is not admissible in evidences, there is nothing



against her in the entire case diary.

6. Considering the above-mentioned facts and circumstance, the appeal is allowed and the impugned order dated 18.5.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur is set aside.

7. Accordingly, the appellant above-named, shall 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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Musarigharari P.S. Case No. 19 of 2024.

(Nawneet Kumar Pandey, J)

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