

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3243 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- JADIA District- Supaul

Sushmita Kumari W/o Kundan Ram R/o Fulkaha, P.S.- Jadiya, District-
Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kapildev Ram S/o Bhola Ram R/o Fulkaha, ward no. 17, P.S. - Jadia, Distt. -
Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhananjay Kumar Tiwary
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

3 30-09-2024 Heard learned counsel for the appellant as well as
learned counsel for the informant.

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 13.06.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Supaul in RB (SC/ST) No. 30 of 2024 in connection with Jadiya P.S. Case No. 53 of 2024, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code & Section 3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. The informant Kapildev Ram states in his *fardbeyan* that his wife Gulab Devi (the deceased) went to withdraw Rs. 20,000/- from the Bank but she didn't return and her mobile was



switched off. The informant and his sons started searching for his wife and they found her dead body in the maize field of one Ravindra Agrawal. It has further been alleged that one and half months prior to the occurrence, some altercation took place between co-accused Viren Sah and the deceased and co-accused Viren Sah had threatened her to kill. The informant expressed his firm belief that co-accused Viren Sah, Bechan Sharma and Ganeshi Sharma had committed murder of his wife and concealed her dead body in the maize field.

4. The learned counsel for the appellant has submitted that the appellant is a lady of clean antecedent and has falsely been implicated in this case. She is mother-in-law of the deceased. She is not named in the FIR and except her confessional statement, there is nothing in the entire case diary. He has submitted further that the confessional statement of the appellant has forcibly been elicited by making pressure in collusion with the named FIR persons. He has also submitted that husband of the deceased states in FIR that her wife went to bank for withdrawal of money and she disappeared from there. On the contrary, it has been elicited in confessional statement that she was done to death in the house itself and the appellant who is a lady and her *Gotni* dragged the dead body to a distance of half kilometer and concealed the same in the maize field of one Virendra Agrawal.



5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that a *Khanti* was recovered from the house of the appellant to which the learned counsel for the appellant replied that there is nothing which shows that this *Khanti* was used for murder of the deceased.

6. The appellant is a lady of clean antecedent and she is under custody since 29.03.2024.

7. Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 13.06.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Supaul in RB(SC/ST) No. 30 of 2024 is set aside.

8. 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Supaul in connection with Jadiya P.S. Case No. 53 of 2024.

(Nawneet Kumar Pandey, J)

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