

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.215 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- KHUSRUPUR District- Patna

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Anita Devi W/O Chhote Malik @ Kallu Malik R/O Village- Kurtha Masjid,
P.S- Khusrupur, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. N.A. Shamsi, Advocate
	:	Ms. Ankita Singh, Advocate
	:	Mr. Nawal Kishore, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 27-06-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 29.10.2024 passed by Exclusive Special Judge, SC/ST Act, Patna Sadar whereby the prayer for bail of the appellant in connection with Khusrupur P.S. Case No. 200 of 2024 under Sections 363, 365, 302, 201, 120B of the IPC and Sections 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, husband of the informant went to a funeral with the accused persons but



never returned. The informant later learnt from locals that the accused forcibly took her towards river Ganga.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The name of the appellant has transpired in this case during investigation on the basis of confessional statement of the co-accused persons. Learned counsel further submits that informant herself is the appellant in the present case. Learned counsel further submits that there is no eye-witness to the occurrence. Learned counsel further submits that as of now, no dead body of husband of the appellant has been recovered. Learned counsel further submits that except suspicion, no any cogent material has come up against the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 29.06.2024 and has one criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.



6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant to prove her involvement in the alleged offence as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 29.10.2024 passed by Exclusive Special Judge, SC/ST Act, Patna Sada in connection with Khusrupur P.S. Case No. 200 of 2024 is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khusrupur P.S. Case No. 200 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(III) 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.



8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

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