

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1941 of 2024

Arising Out of PS. Case No.-125 Year-2021 Thana- FATEHPUR District- Gaya

Malti Devi Wife of Late Sukhdeo Manjhi Resident of Village - Kusumhar,
P.S.- Fatehpur, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gorelal Manjhi Son of Late Doman Manjhi R/o Village - Kosumhar, P.S.- Fatehpur, District - Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP
For the Informant : Mr. Bishwajeet Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

10 15-05-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 11.03.2024 passed by Learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Fatehpur P.S. Case No. 125 of 2021 under Sections 302, 201, 120(B) and 34 of the Indian Penal Code, read with Sections 3(i)(r)(s)(2)(v-a) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant along with co-accused, namely, Umesh Yadav committed murder of her husband and secretly cremated the body.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case as well as charge has already been framed against the appellant. Learned counsel for the appellant also submits that there is delay of two days in lodging the FIR. No incriminating or objectionable article has been found from the conscious possession of the appellant. It is further submitted that the appellant is a lady and there is no any eye witness to the said occurrence. 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 her. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 24.04.2021 and has got no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and order dated 11.03.2024 passed by Learned Exclusive Special Judge SC/ST, Gaya is hereby set aside.

7. Let the appellant 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 Fatehpur P.S. Case No. 125 of 2021, subject to the following conditions:

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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