

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1765 of 2025

Arising Out of PS. Case No.-463 Year-2024 Thana- PARAIYA District- Gaya

Munni Devi W/o Tulshi Manjhi R/o Village- Dakhner, P.S.- Paraiya, Dist.- Gaya

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Om Kumar S/o Late Satendra Paswan R/o Village- Dakhner, P.S.- Paraiya, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prithivi Raj Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Ashutosh Singh, Advocate
	:	Mr. Raghav Vats, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-07-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 03.04.2025 passed by learned court of Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Paraiya P.S. Case No. 463 of 2024 under Sections 103, 3(5) of the BNS and Section 3(2)(va) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused persons including the appellant hatched the conspiracy and committed the murder of the informant’s father by assaulting



him with bricks, lathi and strangling him with gamcha.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to previous dispute between the parties. Learned counsel further submits that there is a delay of three days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. There is no eye-witness to the occurrence. Charge-sheet has been submits in this case. 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 lady and is in custody since 21.12.2024 and has 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 appellant being lady 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



03.04.2025 passed by learned court of Exclusive Special Judge, SC/ST, Gaya in connection with Paraiya P.S. Case No. 463 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 Paraiya P.S. Case No. 463 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)

Alok Verma/-

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