

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2115 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- BHAPTIAHI District- Supaul

Rina Devi Wife of Late Jay Krishna Ram Resident of Village - Makair
Gadhiya, P.S.- Bhaptiyahi, District - Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amerika Devi @ Amrika Devi Wife of Jamun Ram Resident of Village -
Makair Gadhiya Ward No.- 09, P.S.- Bhaptiyahi, District - Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamal Kishore Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	None

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

ORAL ORDER

3 31-07-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. None appears on behalf
of the informant despite notice being validly served. Perused the
case diary.

2. The instant appeal has been filed by the appellant
against the order dated 04.04.2025 passed by learned Additional
Sessions Judge 1st cum Special Judge, SC/ST Act, Supaul
whereby the prayer for bail of the appellant in connection with
Bhaptiyahi P.S. Case No. 215 of 2024 under Sections 140(3) of
the BNS and later on Sections 103(1), 238, 61(2), 3(5) of the
BNS was rejected.

3. The prosecution case, in short, is that on 02.09.2024



the informant's son went to Dahupatti village for carpentry work but since then he went missing. It is further alleged that appellant who is the daughter-in-law of the informant had illicit relationship with co-villager Sanjay Ram and the informant suspects that Sanjay Ram is involved in kidnapping of her son.

4. Learned counsel for the appellant submitted that the appellant has falsely been implicated in the present case. Learned counsel further submitted that there is no direct or indirect evidence to connect the appellant with the alleged occurrence. Learned counsel further submitted that it appears from perusal of the FIR that the informant has raised suspicion against the appellant and on that basis, she has been arrested. 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 05.09.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant, stating that as per the material available in the case diary, the appellant has confessed her guilt and disclosed that she along with one Sanjay



Ram committed the murder of the deceased.

6. Considering the aforesaid facts and circumstances of the case, there being no direct material against the appellant 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 04.04.2025 passed by learned Additional Sessions Judge 1st cum Special Judge, SC/ST Act, Supaul in connection with Bhaptiyahi P.S. Case No. 215 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 Bhaptiyahi P.S. Case No. 215 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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