

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3977 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- HASANGANJ District- Katihar

Rubi Devi Wife of Late Raju Yadav R/O village - Jamun Tola, P.S.-
Hasanganj, District - Katihar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manoj Rishi Son of Late Uttam Rishi R/O village - Mushhari Tola,
Mananpur, P.S.- Hasanganj, District - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Adv.
For the Respondent/s	:	Mr. Rananjay Kumar, Adv.
		Mr. Harish Chandra Patel, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-04-2025 Heard learned counsel for the appellant, learned

counsel for the respondent no. 2 and learned Spl. P.P. for the

State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail of
the appellant vide order dated 03.08.2024 passed by the learned
A.D.J.-Ist-cum-Special Judge (SC/ST), Katihar in connection
with Hasanganj P.S. Case No. 54 of 2024, G.R. No. 3450/2024
dated 28.06.2024 registered for the alleged offences punishable
under Section 302 of the Indian Penal Code and Sections 3(1)(r)



(s)/ 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 28.06.2024, the informant received a call that the dead body of his father was lying beside the road at Jamun Tola. When the informant reached the spot with his family members and saw that the dead body of his father was lying there about 10-20 steps away from the house of the appellant, Rubi Devi. It is further alleged that the informant apprehends that the appellant is indulged in the murder of his father.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The name of the appellant has surfaced in this case merely on suspicion. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. Learned counsel has further submitted that as per the Post-mortem report of the deceased, no any external injury was found on the body of the deceased but the cause of death is Haemorraagic and Neurogenic shock as a result of the said injuries caused by blunt force which is itself contradictory. It is further submitted that the appellant has no concern with the



alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is a lady and she is in custody since 29.06.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 03.08.2024 passed by the learned A.D.J.-Ist-cum-Special Judge (SC/ST), Katihar in connection with Hasanganj P.S. Case No. 54 of 2024, G.R. No. 3450/2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-I-cum-Special Judge, SC/ST, Katihar in connection with Hasanganj P.S. Case No. 54 of 2024, G.R. No. 3450/2024 with the condition :-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date,



*failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.*

(Chandra Prakash Singh, J)

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