

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5040 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

-
1. Champa Devi W/o Late Maheshwar Yadav R/o Village- Biswari P.S-
Gwalpara District- Madhepura
 2. Ranjan Devi Wife of Janeshwar Yadav @ Dinesh Yadav @ Bijli Yadav R/o
Village- Biswari P.S- Gwalpara District-Madhepura
 3. Nilmani Devi @ Nilmani Kumari @ Nirmala Wife of Sonu Kumar @ Bijli
Yadav R/o Village- Biswari P.S- Gwalpara District-Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Santu Kumar Son of Late Shyamlal Ram @ Late Shyam Lal Ram R/o
Village- Biswari, Ward no. 4, P.S- Gwalpara, District-Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Pawan Kumar, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Vikramadit, Adv.

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

ORAL ORDER

2 18-01-2025 Heard Mr. N.K. Agarwal, learned senior counsel for

the appellants, 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 appellants
against the order dated 26.09.2024 passed by learned Additional
Sessions Judge, 1st cum Special Judge, SC/ST (POA) Act,
Madhepura whereby the prayer for bail of the appellant in
connection with Udakishunganj P.S. Case No. 288 of 2024
under Sections 137(2), 140(3), 62 of the BNS later on added u/s



61(2), 140(1), 238, 103(1), 3(5) of the BNS and Sections 3/5 of the SC/ST Act and later on added Sections 3()(v) of the SC/ST Act, was rejected.

3. As per prosecution case, the accusation against the accused persons including the appellants is of being involved in committing of murder of the Informant's brother Mantu Kumar.

4. Learned counsel for the appellants submits that the appellants are innocent and have committed no offence as alleged in the F.I.R. and have falsely been implicated in the present case due to dirty village politics as also on the basis of suspicion. The appellants are ladies. Charge-sheet has been submitted in this case. Learned counsel for the appellants further submits that there is no direct or specific allegation of any overt act against the appellants rather the same is general and omnibus in nature. Learned counsel for the appellants further submits that the witness Ranju Devi, who is the main witness to the alleged occurrence has though fully supported the prosecution case but, has not taken name of any of the accused persons including the appellants. He further submits that the appellants have not abused the Informant in his caste name and, hence, the offence under



the provisions of SC/ST Act is not attracted against the appellants. Learned counsel for the appellants further submits that allegation made in the F.I.R. and the statement made by the Informant under Section 183 of the B.N.S.S., contained in Para-100 of the case diary, are contradictory to each other and, thus, creates doubt in the prosecution case as there is no mention in the F.I.R. of alleged firing and driving the car over the body of the deceased after firing. The appellants are in custody since 24.08.2024. The appellant nos. 1 & 3 have one criminal antecedent each in which they are on bail and the appellant no.2 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, stating that the appellants are named in the F.I.R. The offence alleged against the appellants is serious in nature. The police has recovered live cartridge, blood stained torch and blood stain swab etc. from the place of occurrence. The postmortem report shows the cause of death of the deceased due to injury sustained on the vital organ i.e. brain as a result of head injury caused by hard and blunt object. Several witnesses have also supported the prosecution case. The appellants are named in the F.I.R. and, hence, they do not deserve bail.



6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellants, the appellants being lady as also there being no specific and direct allegation of any overt act against the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 26.09.2024 passed by learned Additional Sessions Judge, 1st cum Special Judge, SC/ST (POA) Act, Madhepura is hereby set aside.

7. Let the appellants, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Udakishunganj P.S. Case No. 288 of 2024, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellants.

(ii) The appellants shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

