

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4560 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- PUWAKHALI District- Kishanganj

Basanti Hembram Wife of Biswanath Murmu Resident of Village - Kasibari,
P.S.- Powakhali, District- Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulmani Soren Wife of Satyawar Murmu @ Late Satyawar Murmu R/o
Village - SigarmaniKasibari, Ward no. - 10, P.S. - Powakhali, Dist. -
Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 18-12-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. Learned counsel for the appellant has submitted
that as the appellant herself belongs to SC/ST community, the
rigors of SC/ST Act are not attracted against her. As such, there
is no need of issuing notice.

3. This is an appeal under Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal
of prayer for bail vide order dated 11.09.2025 in Special Case
SC/ST No. 65 of 2025/C.I.S. No. 65 of 2025 passed by the
learned 1st Additional Sessions Judge, Kishanganj in connection



with Powakhali P.S. Case No. 31 of 2025 registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita as Section 3(2)(v) of the SC/ST Act.

4. The case of the prosecution in short is that on 26.04.2025, the informant has gone to purchase vegetables with her husband. Her husband told her to return home. He is having some necessary engagement and after that the informant came her home with vegetables. When the husband of the informant did not return home for considerable time he was searched and dead body of the informant's husband was found in maize field.

5. Learned counsel for the appellant submits that during course of investigation Chhotu @ Md. Chand and this petitioner has given their confessional statement and in confessional statement they have confessed their guilt. Learned counsel for the appellant has submitted save and except the confessional statement there is nothing against this appellant. Learned counsel for the appellant has also submitted that the appellant is a lady and is in custody since 27.04.2025.

6. Learned Special Public Prosecutor for the State has vehemently opposed the bail to the appellant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 11.09.2025 in Special



Case SC/ST No. 65 of 2025/C.I.S. No. 65 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kishanganj in connection with Powakhali P.S. Case No. 31 of 2025 is hereby set aside and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge-I, Kishanganj in connection with Khajauli P.S. Case No. 150 of 2025.

8. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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