

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32658 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -BIHTA District- PATNA

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Nitu Devi @ Nitu Kumari W/o Ajay Rai @ Ajay Kumar, Resident of
Village- Gouriya Dera , P.S.- Neora O.P.(Bihar), District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nil Kamal, Advocate.

For the Opposite Party/s : Smt. Pronati Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Sessions Trial No. 679
of 2016 arising out of Bihta P.S. Case No. 151 of 2016 registered
under Sections 324, 302 and 120B/34 of the Indian Penal Code.

The brother of the informant is said to have been
murdered by slitting his neck by means of knife by some unknown
miscreants.

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the F.I.R. He has been falsely
implicated in this case. There is nothing on the record barring the
confessional statement of the petitioner which has no evidentiary
value in the eye of law. The petitioner has been languishing in



custody since 25.02.2016. Co-accused, namely, Ram Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 06.03.2017 passed in Cr. Misc. No. 587 of 2017.

On the other hand, learned counsel for the informant submitted that it is the petitioner who was having illicit relation with co-accused, namely, Ram Kumar and the petitioner with the help of co-accused, namely, Ram Kumar committed murder of the deceased by slitting his neck by means of knife and dumped the said knife in the well, as the deceased had noticed their affair. During the course of investigation, the confessional statement of both the accused Ram Kumar and the petitioner was recorded by the police and the petitioner and his accomplice Ram Kumar have confessed their guilt in their confessional statement. Both the petitioner and his accomplice Ram Kumar in their inculpatory statement have stated that it is the petitioner who has slit the neck of the deceased resulting into his death. Thereafter, Ram Kumar dumped the knife into the well. On the basis of the confessional statement of both the petitioner and her accomplice Ram Kumar, the police recovered the knife from the well. He further submitted that the evidence in the case has commenced and two prosecution witnesses have been examined. Hence, the petitioner is not entitled to privilege of bail.



In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected. Learned Trial court is directed to conclude the trial as expeditiously as possible preferably within four months from the date of receipt/production of a copy of this order.

(Prakash Chandra Jaiswal, J)

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