

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40498 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -NANHPUR District- SITAMARHI

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1. Indrasan Devi wife of Chunchun Sharma Resident of Bhaurgarh, P.S.
Nanpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 09-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.02.2017 in connection with Nanpur P.S. Case No. 53 of 2017
for offences punishable under Sections 302, 201, 120-B/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that it was his daughter's marriage on 23.02.2017 and his
son Shubhash Gupta (deceased) took meal with his friend
Pawan Shahi and went to sleep. In the night co-accused
Pawan Shahi called him and thereafter he did not return. On
the following morning his dead body was found in the wheat field
and as many as eight persons have been named in the First
Information Report, who are alleged to have killed the informant's



son.

It has been submitted by the learned counsel for the petitioner that she is innocent, bears no criminal history, not named in the First Information Report and her name surfaced only on the basis of her own confessional statement and during course of investigation. He submits that even in the confessional statement alleged killing has been done by other co-accused, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that only a day before the petitioner has been blessed by a baby child in custody, hence, being a lady she deserves sympathetic consideration

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner did not have good moral character as she was a married lady having affair with the informant's son (deceased) and Pawan Shahi and the deceased was showing her photographs to the village people, hence, petitioner along with her husband and other co-accused have planned murder and killed the informant's son.

Considering the facts and circumstances and the materials on record and that the petitioner is a lady and charge-sheet has already been submitted, let petitioner, above named, be



enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Nanpur P.S. Case No. 53 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned court, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

(Nilu Agrawal, J)

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