

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60634 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Shobha Kumari, D/o Arbind Prasad, resident of Village Alipur, P.S.
Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 08-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with
Chandi P.S. Case No.37 of 2017, a case under Sections
302/201/34 of the Indian Penal Code.

Petitioner is suspected to have murdered her
husband. The complaint based allegation, lodged by brother of the
husband of the petitioner, would reveal that the petitioner had
some illicit relation with named person. Therefore, the petitioner
had murdered her husband.

Submission of the learned counsel for the
petitioner is that neither the dead-body was recovered during
investigation nor there is any eyewitness of the occurrence.
Petitioner is in custody since 21.07.17 and is a mother of a baby in
her lap.

Learned counsel for the informant opposed the



prayer for bail on the ground that the trial has already begun. There is no other circumstance giving rise to any hypothesis that any other person has committed the murder to the husband of the petitioner only pointer is against the petitioner. Therefore, she does not deserve bail at this stage. Learned counsel for the informant further submits that the petitioner was a tenant in the house of the person examined in para-51 of the case-diary but the petitioner did not disclose whereabouts of her husband to the landlord; rather gave an evasive reply that ten days ago he had gone to the market but he did not return.

Suspicion however strong cannot take the place of a proof, therefore, the petitioner deserves bail.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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