

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33297 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -KUCHAIKOTE District- GOPALGANJ

Mintu Devi wife of Nagendra Singh Resident of Village - Karmainee Gaji,
Police Station - Kuchaikote, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.34665 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -KUCHAIKOTE District- GOPALGANJ

Shushila Devi, Wife of Jata Shankar Sharma, Resident of Village-
Karmaini Gaji, P.S.- Kuchaikot, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

(In Cr.Misc. No.33297 of 2018)

For the Petitioner : Mr. Lokesh Kumar Singh

For the Opposite Party : Mr. Sri Mithilesh Kumar Khare

(In Cr.Misc. No.34665 of 2018)

For the Petitioner : Mr. Dhramveer

For the Opposite Party : Mr. Sri Ajay Kumar-1

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioner No. 1 (Mintu Devi) is in custody since
26.02.2018 and petitioner No. 2 (Shushila Devi) is in custody
since 27.02.2018 in connection with Kuchaikote P.S. Case No. 49
of 2018 registered for the offences punishable under Sections 365,



302, 201 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the entire case is false and fabricated and these petitioners have been roped in on the basis of the confessional statement made before the police by one Dhananjay Sharma who is said to have named these two petitioners as being involved in the conspiracy which led to the murder of the son of the informant. It is further submitted that the alleged confessional statement cannot be made the basis of the prosecution as the same has no evidentiary value.

Diary in the present case was called for which has since been received.

Learned counsel for the informant is also present and submits that these two petitioners were part of the conspiracy which led to the murder of the said Rinshu Kumar Singh and Shushila Devi (petitioner in Cr. Misc. No. 34665 of 2018), is the mother of the main accused Dhananjay Sharma who has confessed his guilt. It was, therefore, submitted that these two petitioners are not entitled to the privilege of bail.

Learned counsel appearing on behalf of the State has perused the case diary and pointed out to the discrepancies in the conduct of the investigation which also shows that the entire case is also fabricated. The inquest report is timed at 17:40 hours on



25.02.2018 whereas the post-mortem seems to have been conducted prior to the said period i.e., on 02:30 PM. Such glaring discrepancies go to prove the falsity of the prosecution case.

Heard learned counsel for the petitioners and learned counsel for the State as well as learned counsel appearing on behalf of the informant and in view of the fact that these two petitioners have no criminal antecedents, let the petitioners (Mintu Devi and Shushila Devi), 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 the learned Additional Chief Judicial Magistrate-VII, Gopalganj, in connection with Kuchaikote P.S. Case No. 49 of 2018.

(Anjana Mishra, J)

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