

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79877 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- AGRER District- Rohtas

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Suman Devi @ Chuman Devi, female, aged about 22 years, D/o Dudheswar Chaudhary, Resident of Village - Bhagwan Pur, P.S.- Agrer, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-12-2019 The petitioner seeks bail in connection with Agrer P.S. Case No. 23 of 2019, dated 05.03.2019, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

The son of the informant was given a telephonic call by somebody at his house, whereafter he left the house, never to return. On the next day, his dead-body was found thrown in a field with his genitals chopped off. The father of



the deceased has lodged the F.I.R. alleging that he suspects the hands of the petitioner and her other relatives because prior to this occurrence, the deceased was assaulted brutally because of his having an affair with the petitioner. One year had passed by when the aforesaid occurrence of assault had taken place in the village.

It has been submitted on behalf of the petitioner that during the course of investigation, no eye-witness came forward to state as to how the deceased was killed and at whose instance. The call detail reports, when analyzed, reflected that the deceased had received a call from a number which was registered in the name of one Muniya Devi, wife of Rajendra Prasad Singh of Village-Majigawa in the District of Prayagraj (Allahabad) in the State of Uttar Pradesh.

From the records, it appears that the petitioner is married to the son of aforesaid Rajendra Prasad Singh.

The father and the husband of the petitioner have been granted bail by different Benches of this Court *vide* orders dated 11.07.2019 and 27.06.2019 passed in Cr.



Misc. Nos. 41925 of 2019 and 39584 of 2019 respectively.

Mr. Anil Chandra, learned counsel for the petitioner submits that assuming but not admitting the fact that the deceased had an affair with the petitioner, it militates against the very presumption that the deceased would be killed at the instance of the petitioner. It has not been ascertained whether the petitioner gave the deceased a telephonic call for him to come out of his house. There could be some suspicion against the petitioner and her family members, but in the absence of any proof and only because of an affair between the deceased and the petitioner, the petitioner cannot be kept incarcerated for such a prolonged period. It has further been submitted that nothing has come during the course of investigation which would indicate that the petitioner continued her liaison with the deceased. If there was any relationship in the past, that was long forgotten and for such relationship, definitely not the petitioner, but only others could have their hands in eliminating the deceased.

Considering the aforementioned aspects of the matter and taking into account that petitioner being a lady is in



custody since 18.03.2019, this Court is inclined to grant bail to her. While saying so, this Court has taken notice of the fact that the father and husband of the petitioner have been granted bail.

The petitioner above-named is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Agrer P.S. Case No. 23 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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