

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13336 of 2020**

Arising Out of PS. Case No.-639 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

ROMA TONDAN Wife of late Jitendra Kumar @ Jay Narayan Resident of
Mohalla - Dardah, Indira Colony, Ward No. 31, P.S.- Sadar, District-
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 08-06-2020 The present case was heard at length on 05.06.2020 and
today it has been placed before this Court 'For Orders'.

The petitioner seeks regular bail in connection with Sadar
P.S. Case No. 639 of 2019 for the offence punishable under
Section 302/120B of the Indian Penal Code and Section 27 of
the Arms Act.

The case of the prosecution as per the fardbeyan of Smt.
Chandari Devi is that she is having three sons out of whom the
second deceased son namely Jitendra Kumar Das was married
in the year 1998 with the petitioner herein and four children
were born out of the said wedlock, however, the petitioner
used to continuously torture the son of the informant which



had also resulted in few cases amongst them and the said son of the informant had to go to jail whereafter the said son of the informant took a new house and started staying separately in the said house at Indira colony, however, the petitioner used to conspire and file new cases in order to grab the said house of the son of the informant. It is the further allegation of the informant that on 12.09.2019 at about 9:15 in the night, the petitioner informed the informant and boys staying in the lodge that blood was oozing out from the mouth of the deceased husband of the petitioner and he had fallen on his face on the bed whereafter the informant along with other family member had immediately went to the house of the said son of the informant where they found that the main gate was closed, however, some family members jumped across the boundary wall, opened the door and went inside and saw that the son of the informant was lying in a pool of blood, he was lying on his face, the T.V. was on and loud noise was coming from it. It is further alleged that the son of the informant was lying dead and in the room one plate was lying containing pieces of chicken and milk was boiling on the stove. It was apparent from looking at the dead body of the deceased that



somebody had fired gun shots on the forehead of the deceased resulting in his death. It is the allegation of the informant that the petitioner has conspired and with the help of unknown criminals has killed her son.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she is wife of the deceased, and is having a fair antecedent inasmuch as she is an accused in one other case in which she is on bail and the said case has been filed by the deceased husband of the petitioner in retaliation to the cases filed earlier by the petitioner herein. It is further submitted that the petitioner is languishing in custody since 15.09.2019. Lastly, it is submitted that neither there is any eyewitness nor there is evidence to show the complicity of the petitioner in the alleged crime and the fact is that the petitioner has been falsely implicated in the present case so as to deprive the petitioner of her share in the property of her husband as also with a view to grab the said property.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having considered the submissions made by the learned counsel for the parties, taking into account the materials



available on record as also upon perusal of the case diary, this Court finds that the Police has, upon investigation, already filed a charge sheet against the petitioner herein under Section 302, 120B and 34 of the Indian Penal Code, hence it does not appear that the custody of the petitioner is required for the purposes of custodial interrogation by the Police and moreover, there is no eye witness to the alleged occurrence and the present case is a case of circumstantial evidence, which is required to be proved during the course of the trial and the guilt of the petitioner is also required to be proved after a full-fledged trial, hence at the moment this Court thinks that it would be just legal and equitable to release the petitioner on regular bail considering the fact that apart from one case she is having a fair antecedent and is languishing in custody since a long time, hence I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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, Muzaffarpur in connection with Sadar P.S. Case No. 639 of 2019.



It is needless to state that the petitioner shall appear on each and every date so fixed by the learned court below and in the event of non-appearance on two consecutive occasions, the present privilege of the bail being extended to the petitioner herein shall stand revoked automatically and the petitioner would be required to be taken into custody forthwith.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

