

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18355 of 2020

Arising Out of PS. Case No.-1034 Year-2019 Thana- PATRAKARNAGAR District- Patna

GIRIJA DEVI W/o Rama Kant Prasad R/o Mohalla- Chhoti Pahari, Rashid
Chak, P.S.- Agam Kuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-08-2020 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Patrakar Nagar P.S. Case No. 1034 of 2019,
registered for the offence punishable under
Sections 363 and 365 of the Indian Penal Code.

The case of the prosecution in brief is that on
5.12.2019 at about 2:00 PM., a call was received
by the informant on his mobile and he was asked
about the well-being of his home, whereafter
again, on 6.12.2019, one missed call had come on
the mobile of his wife and when the informant
came back to his house on 7.12.2019, he found



that his mother was not present in his house. It is the further case of the prosecution that the informant had then searched for his mother and called his relatives, but she could not be found. Subsequently, during the course of investigation, it has transpired that the mother of the informant has been murdered.

The learned counsel for the petitioner has submitted that the petitioner is a lady, she is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 30.1.2020. It is further submitted that though it is true that during the course of investigation, the police had arrested the husband of the petitioner herein and he has stated in his confessional statement that he along with the petitioner had murdered the mother of the informant and threw her dead body in the Gandak river, but then, the said confessional statement before the police has got no evidenciary value in the eyes of law. It is also submitted that the materials on record would show that the main



allegation is against the co-accused persons, namely, Uttim Singh, Akhilesh Kumar Sinha and the husband the petitioner herein, namely, Ramakant Prasad. It is further submitted that the petitioner be given the benefit of doubt and released on bail.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the leaned counsel for the petitioner and taking into account the materials available on record as also upon perusal of the case diary, it appears that there is minuscule evidence as far as the petitioner herein is concerned and there is no eye-witness of the occurrence in question, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned ACJM VIII Patna in
connection with Patrakar Nagar P.S.Case No. 1034
of 2019.

(Mohit Kumar Shah, J)

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