

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26370 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- NARDIGANJ District- Nawada

PRAMILA DEVI Wife of Shashikant Kumar Resident of Village - Dalelpur,
P.S. - Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr. Narendra Kr. Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-10-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Narendra Kr. Singh, the learned APP for the State.

The petitioners seek regular bail in connection with Nardiganj PS case no. 19 of 2020 instituted for the offences punishable under Sections 363, 302, 201/34 of Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on 07.01.2020 at about 5 pm in the evening, the son of the informant namely Sashikant Kumar had left his house for going to his in-law's place at Rajgir along with one Sonu Kumar on his motorcycle, however, on 08.01.2020,



when the informant had tried to call her son Shashikant on his phone, at about 8.45 pm but his phone was switched off, hence the informant had called her brother Dinesh Prasad at about 8.45 pm who told that Shashikant has informed him that he was at his in-law's place at Rajgir. It is further alleged that unknown persons have kidnapped the son of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 13.01.2020. It is further submitted that the petitioner is a lady and has been falsely implicated in the present case merely on suspicion, being the wife of the deceased. It is further submitted that the petitioner is having two small children and except the confessional statement made before the police which has got no evidentiary value in the eyes of law, there is no material on record to connect the petitioner with the alleged crime.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the materials available



in the case diary, as discussed in the impugned order dated 17.03.2020, this Court finds that the petitioner has been implicated in the present case merely on suspicion, being the wife of the deceased and the deceased having gone to her in-laws' place on the alleged date and time of occurrence, whereafter he had become traceless, however there is no concrete evidence or eye-witness to conclusively show the complicity of the petitioner in the alleged occurrence, hence this Court finds that since the petitioner is in custody since about 09 months and the police has had all the times in the world to interrogate her, no useful purpose will be served by keeping the petitioner in custody, hence I deem it fit and appropriate to release the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nardiganj PS case no. 19 of 2020.

(Mohit Kumar Shah, J)

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