

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74218 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- KHUDWA District- Aurangabad

Sudha Devi W/o Satish Kumar R/o village- Barpisai, P.S.- Khudwan, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73842 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- KHUDWA District- Aurangabad

Satish Sharma Son of Purendra Sharma Resident of Village - Barpisai, P.S.-
Khudwan, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74218 of 2019)

For the Petitioner/s : Mr.Ramakant Sharma, Advocate

For the Informant : Mr. Shiv Shankar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh

(In CRIMINAL MISCELLANEOUS No. 73842 of 2019)

For the Petitioner/s : Mr.Ramakant Sharma, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-01-2020 Heard learned counsel for the petitioners and the
State.

The petitioners seek bail in **Khudwan P.S. Case No.**
10 of 2019, registered for the offence punishable under Sections
363, 364 and 120(B)/34 of the Indian Penal Code. Later on,
section 302 of the Indian Penal Code was added.



As per prosecution case, on 01.03.2019 informant's son had gone to Pathara Primary School for studying, but he did not return. The informant has suspicion that her husband Satish Sharma (petitioner), second wife of her husband Sudha Devi (petitioner), father-in-law and mother-in-law had kidnapped her son and committed his murder.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case on mere suspicion. Petitioner Sudha Devi is step mother of the deceased. Save and except suspicion, there is nothing against this petitioner. As a matter of fact, at the time of occurrence, Sudha Devi was not even present and she had gone to Chhattisgarh. Charge sheet has already been submitted and there is no allegation of tampering with the evidence against this petitioner. Petitioner is in custody since 26.08.2019 having clean antecedent.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that Sudha Devi (petitioner) is abater and one of the conspirators in the murder of informant's son.

Considering the facts aforesaid, the petitioner Sudha Devi, is directed to be enlarged on bail on furnishing bail bond



of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Aurangabad** in connection with **Khudwan P.S. Case No. 10 of 2019**, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

So far as petitioner Satish Sharma (petitioner) is concerned, this petitioner happens to be husband of informant and father of deceased. During course of investigation, this petitioner is said to have made his confession and he confessed his guilt and on his confession certain incriminating articles were recovered near the canal where dead body was found vide paragraph 81 of the case diary.

Considering the facts aforesaid and nature of allegation, I am not inclined to enlarge the petitioner Satish



Sharma on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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