

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.85076 of 2019**

Arising Out of PS. Case No.-441 Year-2019 Thana- TURKAULIYA District- East  
Champaran

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MEENA DEVI Wife of Late Rambabu Rai Resident of Village - Majuraha,  
Ward No. 4, P.S.- Raghunathpur O.P. Turkauliya, District - East Champaran.  
... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate  
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

6      02-06-2020                      This application has been placed for consideration by  
  
the order of the Hon'ble the Chief Justice through virtual court  
  
proceeding.

This is an application for grant of regular bail to the  
petitioner in connection with Turkauliya (Raghunathpur) P.S.  
Case No. 441 of 2019 registered for the offence punishable  
under Sections 302/34 of the Indian Penal Code.

The petitioner in this case is the wife of the deceased.  
It is this petitioner who had lodged the first information report  
giving rise to the present case. However, in course of  
investigation it has been alleged that the petitioner who was  
married to the deceased about four years back had developed  
illicit relationship with the co-accused Suresh Rai and others  
and in absence of her husband she used to call those persons at  
her house and establish physical relationship with them. The



confessional statement of the petitioner has been extracted and the co-sharers of the husband of the petitioner have come to make a statement that the petitioner had illicit relationship with the co-accused and she had been instrumental in the murder of the deceased.

Learned counsel for the petitioner submits that on perusal of the impugned order itself it will appear that there are three versions of the alleged occurrence in which the husband of the petitioner was murdered during night hours while the petitioner and her husband were inside the house after taking their meal. The deceased husband of the petitioner was serving in Nepal since last two years and it is the contention of the petitioner that in order to grab the entire property of her husband the co-sharers had hatched this conspiracy, killed him and now the petitioner has been made accused.

Learned counsel for the petitioner submits that the statement of the co-sharers who are the persons likely to gain in terms of the property of husband of the petitioner and the confessional statement of the petitioner and the confessional statement of co-accused Suresh Rai are not sufficient to even *prima-facie* connect this petitioner in the present case. The petitioner has only been made victim of circumstances at the instance of her co-sharers.



Learned counsel for the State has opposed the prayer for regular bail. It is submitted that in the case diary Shivpujan Rai who is the elder brother of the deceased and another witness who is the uncle of the deceased have made statement about the illicit relationship of this petitioner with the co-accused. It is further submitted that in course of investigation Police has extracted confessional statement of the petitioner and co-accused Suresh Rai wherein they are said to have admitted their involvement. It is however, submitted that Suresh Rai the co-accused has been admitted to bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 72446 of 2019 and the petitioner is in custody since 09.07.2019.

Having heard learned counsel for the petitioner as also learned APP for the State, considering the submission of learned counsel for the petitioner that apart from the confessional statement of the petitioner and the co-accused Suresh Rai, it is the only statement of the two co-sharers which have been recorded against the petitioner saying that she had been in illicit relationship with the co-accused, there is no material, moreover any independent material to connect her with the present case, the petitioner has remained in custody since 09.07.2019, investigation against her is complete and it is not the submission of learned counsel for the State that the release of the petitioner



is in any way likely to interfere with the course of justice or may result in tampering with the evidence, let the petitioner above named be released on bail in connection with Turkauliya P.S. Case No. 441 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

