

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12995 of 2021**

Arising Out of PS. Case No.-347 Year-2020 Thana- PHULWARISHARIF District- Patna

KHUSHI DEVI @ KHUSHI KUMARI W/o Late Om Prakash Sharma R/o Village- Aropur, P.S.- Naubatpur, Distt- Patna at present Birla Clony, Rashtriya Ganj, renter in the house of Pramod Kumar, P.S.- Phulwarisharif, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

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

2 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Phulwarisharif P.S. Case No.347/2020 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution story in brief is that on 27.06.2020 at 07.40 pm one Shanti Devi submitted a written report to the SHO Phulwarisharif police station stating therein that five years ago



marriage of her son namely Om Prakash Sharma was solemnized with Khushi Devi (petitioner). After marriage Khushi Devi used to assault and abuse her husband upon which he left the house and went to Surat. During lockdown when her son returned to his house then on 27.06.2020 his 'Sarhu' Amit Kumar and his wife Khushi Devi taken to him at Birla Colony and committed murder by pressing his neck and dead body was carried at village Aropur.

Learned counsel for the petitioner submits that the petitioner is innocent and she has falsely been implicated in this case merely on suspicion. Learned counsel submits that after investigation of the case police has found the case true under Section 306 of the Indian Penal Code and not under Section 302 of the I.P.C. It is submitted that the petitioner has remained in jail in connection with this case since 29.06.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has submitted that after investigation of the case police has found the case true under Section 306 of the Indian Penal Code and not under Section 302 I.P.C. and that it is a case of suicide, the allegation



against the petitioner being that of abatement to suicide, however the petitioner has remained in jail in connection with this case since 29.06.2020, investigation against him is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Phulwarisharif P.S. Case No.347/2020, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

