

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24020 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KIUL RAIL P.S. District- Lakhisarai

LAKSHMI KUMARI Daughter of Shri Shambhu Singh Resident of Village -
badhaiya Ward No. 12, P.S. - Badhaiya, District - Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh Mr. Ritwik Thakur
For the State	:	Ms. Nirmala Kumar, APP
For the Opposite Party/s	:	Mr. Gouranga Chatterjee

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 20-12-2021 The applicant/accused in Crime No.1 of 2021, registered with Rail Kiul (Badhaiya) Police Station for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code at the instance of first informant, Mukesh Singh, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that the applicant is not having any criminal antecedent and except her confessional statement, there is no iota of evidence to connect the applicant to the crime in question.

The learned Prosecutor opposed the application by

contending that the crime in question is serious and the Investigator has collected call detail record (CDR) which shows that the deceased and the applicant were taking with each other. The learned counsel for the first informant also reiterated the same submission and contended that the applicant was having affairs with many boys and she has killed Shiwam Kumar.

I have considered the submission so advanced and also perused the case diary with the charge-sheet.

The F.I.R. was lodged by Mukesh Singh, who happens to be father of deceased, Shiwam Kumar. It is averred in the FIR that Shiwam left the house on 01.01.2021 and his dead body was found near the railway track of Badhaiya on 02.01.2021. The first informant in his F.I.R. raised suspicion against one unknown person, who had informed the first informant that the Shiwam is having an affair of his daughter, namely, Laxmi Kumari. Said Laxmi Kumari is the applicant before this Court. The FIR itself reflect that the first informant father had traced out the photograph of his son Shiwam with the girl, named Laxmi Kumari.

Thus, according to the prosecution case, the applicant was having love affairs with deceased Shiwam. The case diary only contains a confession made by the applicant to the police

which has not resulted into any recovery. Telephonic conversation between the applicant and deceased, Shiwam is the another piece of evidence relied by the prosecution but it will have to be kept in mind that even according to the prosecution case, they both were having love affairs between them.

Investigation of the crime, in question, is over. The applicant is a female, aged about 18 years.

Considering the nature of the evidence against her, her further pre-trial detention is not warranted, particularly when there is nothing on record to suggest that she would not be available for trial, if release on bail and hence, the order:-

- i. The application is allowed.
- ii. The applicant/accused, in Crime No. 1 of 2021 registered with Rail Kiul (Badhaiya) Police Station for the offence punishable under Sections 302, 201 and 34 of the IPC, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against her so as to dissuade her from

disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial Court in expeditious disposal of the trial against her.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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