

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28638 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

Rinki Kumari W/O Late Sanjay Kumar Patel R/O Village Kishanpur, P.S-
Medinichawki, District-Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Medinichawki P.S. Case No. 107 of 2020 dated 09.11.2020
instituted for the offences under Sections 302, 120(B) and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.11.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that they are three brothers
including himself and further that petitioner is wife of his
brother Sanjay Kumar Patel (deceased). Further that this



petitioner was having an affair with Shambhu Suman and when his brother came to know about the affair he had quarrels with the petitioner. Further, that Shambhu managed to implicate his brother in a false case of Excise Act in which his brother was sent to jail. It is also alleged that the petitioner also filed false cases against family members and Shambhu Suman had threatened his brother and asked him to go to Delhi or elsewhere for work or he may get killed. Further, that this petitioner called her son-in-law and along with the son-in-law and the daughter assaulted her husband. It is further alleged that on 07.11.2020 the petitioner along with her daughter took the deceased inside a room from where sound of groaning could be heard, the informant alleges that the police also came and when the petitioner opened the door and informed the police that her husband is in a drunken condition, the police returned. It is further alleged that in the morning informant came to know that petitioner along with her daughter and son-in-law had thrown his brother outside the house and informant saw the dead body of his brother with mark of assault on face and chest.

Learned counsel for the petitioner submits that from bare perusal of the allegation it would manifest that the informant who is own brother of the deceased has instituted this



false case only with a view that the entire family member of the deceased is behind bar and he enjoys the property and further coase them to part with the property of the deceased.

Learned counsel for the petitioner submits that it does not stand to reason that if the petitioner along with her daughter and son-in-law had killed the deceased the dead body would have been thrown outside the house. Learned counsel submits that during the course of investigation also it has come that the deceased was a drunkard and used to loiter around in the village and at times even had fights with the petitioner. He further submits that it does not stand to reason that mother along with daughter and son-in-law would kill her own husband. He further submits that the fact that the F.I.R. has been instituted after a delay of two days without any explanation that also creates suspicion with regard to the veracity of the allegation as alleged. The learned counsel submits that from the allegation it is clear that the police had come on the date of occurrence but no F.I.R. was instituted on that day.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.11.2020, charge-sheet has been submitted in the case



and the petitioner is a lady, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Lakhisarai in connection with Medinichawki P.S. Case No. 107 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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