

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31212 of 2021**

Arising Out of PS. Case No.-20 Year-1998 Thana- KATHAIYA District- Muzaffarpur

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RUKMINI DEVI WIFE OF SHIVAJEE SINGH R/O VILLAGE- PAROHA,
P.S.- KATHAIYA, DISTRICT- MUZAFFARPUR.
=====

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kathaiya P.S. Case No. 20 of 1998 registered for the offences punishable under Sections 302, 201, 34 and 498(A) of the I.P.C.

According to prosecution case, the informant who happens to be Chaukidar gave his fardbayan stating therein that on 25.09.1998 at about 23:45 hours, one co-villager of his village, namely, Devendra Singh along with his mother and sister had assaulted his wife resulting death of his wife. Thereafter, Devendra Singh with the help of his co-villagers and



relatives cremated the dead body of his wife.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that co-accused Devendra Singh who happens to be husband of the deceased faced the trial bearing Sessions Trial No. 463 of 1999. In Sessions Trial No. 463 of 1999, the prosecution had examined altogether 8 witnesses in support of its case and out of them six witnesses have not supported the prosecution case and they have been declared hostile. Learned counsel further submits that the aforesaid witnesses have deposed in their evidence that deceased had died due to diarrhoea. Learned counsel further submits that the learned trial court from the evidence and deposition of the witnesses came at conclusion that informant has no personal knowledge about the occurrence and his evidence is based on hearsay. Learned counsel further submits that the learned trial court acquitted the co-accused Devendra Singh, who happens to be son of the present petitioner and husband of the deceased vide judgment dated 05.07.2000. Learned counsel further submits that petitioner is in custody since 09.11.2020. Petitioner has got one criminal antecedent.



The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released 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 2nd Additional Sessions Judge, Muzaffarpur in connection with Kathaiya P.S. Case No. 20 of 1998, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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 his 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.

(Rajesh Kumar Verma, J)

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