

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25481 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- SAHPUR District- Patna

SUSHAMA DEVI Wife of Late Devi Dayal Singh Resident of Village -
Usari, P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jha
For the Opposite Party/s	:	Mr. Ashok Kumar
For informant	:	Mr. Mithilesh Kumar Upadhyay

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2021 Heard the learned counsel for the petitioner, Sri
Ashok Kumar, the learned APP for the State and Sri Mithilesh
Kumar Upadhyay, the learned counsel for the informant.

The petitioners seek regular bail in connection
with Shahpur PS case no. 114 of 2019 instituted for the offences
punishable under Section 302/34 of Indian Penal Code.

The allegation is regarding the accused persons
including the petitioner herein having cut the neck of the
husband of the informant after altercation had taken place in the
wheat field of the informant.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and



is languishing in custody since 22.05.2019. It is further submitted that the only material available on record which has come during the course of investigation by the police is the statement of the witness namely Kaleshwari Devi who claims to be the eye-witness of the alleged occurrence and has alleged that the petitioner had infact cut the neck of the husband of the informant, however it is submitted that though the alleged occurrence took place on 25.03.2019, her statement has been recorded only on 21.04.2019, hence such delay is fatal to the case of the prosecution. It is thus submitted that benefit of doubt may be granted for the purposes of grant of bail to the petitioner.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also those available in the case diary, this Court finds that though the witness namely Kaleshwari Devi has taken the name of the petitioner to be the main accused in the present case, nonetheless I find that her statement has been belatedly brought on record by way of her examination by the police during the



course of investigation and moreover, the petitioner is languishing in custody since 22.05.2019, hence I deem it fit and appropriate to grant the privilege of bail to the petitioner herein. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Danapur in connection with Shahpur PS case no. 114 of 2019.

(Mohit Kumar Shah, J)

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