

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35862 of 2020

Arising Out of PS. Case No.-415 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

RANI DEVI WIFE OF LATE NANDESHWAR PRASAD SAH
RESIDENT OF MOHALLA - ANAND MARG COLONY, POLICE
STATION - JAGDISHPUR, DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-03-2021 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Jagdishpur PS case no. 415 of 2019 instituted for the
offences punishable under Section 302/34 of Indian Penal Code.

The case of the prosecution in brief is that the
deceased husband of the petitioner used to quarrel with the
petitioner regularly. It is also alleged by the informant that on
the alleged date of occurrence, the petitioner in conspiracy with
some other unknown persons, had murdered the brother 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 27.04.2020. The learned counsel for the petitioner has further submitted that initially, a U.D. case was lodged by the mother of the informant, wherein it was stated that the petitioner had slipped and fallen down resulting in him sustaining injury and his consequent death, however subsequently, with ulterior motives, the present F.I.R. has been lodged by the brother of the informant, falsely implicating the petitioner herein. It is further submitted that charge sheet has already been filed in the present case, hence there is no chance of tampering with the prosecution evidence, as such no prejudice would be caused to the prosecution, in case the petitioner is granted bail.

Per contra, the learned A.P.P. for the State has 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 available on record as also those available in the case diary, I find that there is miniscule evidence available in the case diary so as to connect the petitioner with the alleged crime. Moreover, charge sheet has already been filed in the present case apart from the fact that



the petitioner is having a clean antecedent and is languishing in custody since 27.04.2020. Accordingly, I deem it fit and proper to enlarge the abovenamed petitioner 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 court of Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur PS case no. 415 of 2019.

(Mohit Kumar Shah, J)

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