

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38121 of 2020**

Arising Out of PS. Case No.-223 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Baby Devi W/o Deepak Paswan R/o-Damodarpur Ward No.2, P.S.-Lakhisarai,
District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Addl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 23-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Lakhisarai P.S. Case No. 223 of 2020, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, the informant has alleged that her son namely Uday Shankar @ Baua (deceased) used to oppose the illicit relation of petitioner with co-accused Rajeev Das and on 18.04.2020 in the night, while her son was sleeping, all the FIR named accused persons including this petitioner came and forcibly took her son to the house of petitioner and committed his murder by strangulation. It is further alleged that while villagers assembled there and raised alarm, the accused persons fled away after leaving the dead-body of informant's son. It is further alleged that on information, the police went to



the house of petitioner and saw blood-stain alongwith rope, by which, the son of the informant was killed.

It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case due to dirty village politics, which would be apparent from perusal of inquest report that the dead-body of deceased was found lying in the field of Middle School, Damodarpur and the rope, which was used in the murder, was also found in the field, and not from the house of petitioner. It is further submitted that during course of investigation, several witnesses, including the minor son of the petitioner, claimed to be eye-witness to the occurrence and stated that it was co-accused Rajeev Das and co-accused Bhutu Manjhi, who have committed the murder of deceased during free-fight and this petitioner had tried to save the deceased. Petitioner is having a minor son and she is in custody since 20.04.2020. Chargesheet has already been submitted.

Considering the aforesaid facts & circumstances and the fact that the dead-body and the alleged rope have been recovered from the field of school, not from the house of this petitioner, petitioner is a lady having clean antecedent and chargesheet has been submitted, the bail application of



petitioner is allowed.

Let the above named petitioner 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 learned C.J.M., Lakhisarai in connection with Lakhisarai P.S. Case No. 223 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on her absence on two consecutive dates without sufficient reason, her 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.”

(Prabhat Kumar Singh, J.)

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