

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2798 of 2021

Arising Out of PS. Case No.-296 Year-2019 Thana- PATEPUR District- Vaishali

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RADHA DEVI Wife of Sukeshwar Ram @ Sukeshar Ram Resident of
Village - Salempur Salkhani, Police Station - Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-07-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of her

arrest in connection with Patepur P.S. Case No. 296 of

2019 instituted for the offences under Sections 302, 201

and 120B of the Indian Penal Code.

Though the petitioner has been named in the

F.I.R. but there is no specific accusation against her.



According to the First Information Report, because of the children of the informant and the petitioner fighting over some issue, there was a verbal scuffle between them. When the husband of the informant returned, he was told about such occurrence, who proceeded to the house of the petitioner to settle scores with her and her husband. Later, after one day, the dead body of the husband of the informant was recovered from a field. It has been alleged in the F.I.R. that some days prior to the occurrence, the samadhi of the husband of the petitioner had fought with the deceased. A suspicion therefore has been raised that possibly the petitioner also has participated in the occurrence of assault and killing of the deceased.

Learned counsel for the petitioner has submitted that but for suspicion, there is no other material to connect the petitioner with the offence. Assuming that the samadhi of the petitioner had a fight with the deceased sometimes prior to the occurrence, that by itself would not be a ground to suspect the hands of the petitioner in killing the deceased. Apart from this, it has been submitted that



the husband of the informant was found missing for several hours but the case was lodged only on the recovery of his dead body. If the deceased had proceeded to the house of the petitioner and did not return in the night, this should have raised red-herring in the mind of the informant. Waiting for such a long time and then reporting the matter only after the recovery of the dead body, makes the implication of the petitioner in this case highly suspect. Perhaps, it has been argued that on such consideration of the facts, the husband of the petitioner has been granted regular bail by a bench of this Court.

Regard being had to the afore-stated facts and the gender of the petitioner, she is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XIV, Vaishali at Hajipur, in connection with



Patepur P.S. Case No. 296 of 2019, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Ashutosh Kumar, J)

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