

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2784 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- KATEYA District- Gopalganj

Dharamsheela Devi aged about 40 years, Gender Female, W/o Mahabir Singh
R/o Village- Deoriya, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Tr. No. 1573 of 2020, arising out of Kateya P.S. Case No. 128 of 2020, registered for the offence under Sections 302/201/34 of the Indian Penal Code.

As per the prosecution case, on 10.04.2020 at about 8 AM, the nephew of the informant had gone to take bath to the newly constructed house of informant, but till 11 AM, he did not return. Then the family members started searching him and in course of search, they found his dead-body near the Deoriya Canal. Later on, the informant came to know that the FIR named accused persons have committed the murder of his nephew and thrown the dead-body in the bushes situated near the canal.



It is submitted on behalf of petitioner that petitioner is mother of the deceased and she is not named in the FIR. Informant is uncle of the deceased. Only material, which has come against the petitioner during course of investigation, is that there was a rumour that this petitioner had some illicit relation with co-accused Chandesh Singh and the petitioner, conspiring with FIR named accused persons, got her son killed due to her extra-marital affairs. Save and except this rumour, there is no other material against the petitioner to show her complicity in the aforesaid crime. The petitioner, who is lady, has got clean antecedent, as per statement made in paragraph – 3 of the petition, and she is in custody since 31.05.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances and period of custody, the bail petition 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., Gopalganj in connection with Tr. No. 1573 of 2020, arising out of Kateya P.S. Case No. 128 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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