

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64470 of 2021

Arising Out of PS. Case No.-261 Year-2016 Thana- AHYAPUR District- Muzaffarpur

Mala Devi @ Mala Singh Wife Of Mintu Kumar @ Mintu Singh R/O Village-
Umesh Nagar, Shekhpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2021 The case is being taken out of turn based on
mentioning made by the learned counsel for the petitioner
stating that husband of this petitioner died on 20.12.2021.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 261 of 2016 instituted for the offences
under Sections 302, 201 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.08.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that his brother Shashi



Kumar (deceased) who was a teacher and was staying in a rented house of Surendra Yadav where this petitioner, wife of Mintu Singh was also staying on rent. Further, that there was love affair between the petitioner and Shashi Kumar for the last seven years and the petitioner was pressurising the brother of the informant for marrying her but his brother refused, thus it is alleged that the petitioner in connivance with her husband killed the brother of the informant by strangulating him and the body was thrown behind the Medical Hospital.

Learned counsel for the petitioner submits that informant is not an eye-witness to the occurrence and further it does not stand to reason that the husband would connive with his wife and would kill the lover of his wife on his refusal to marry. Learned counsel further submits that at paragraph '23' of the case diary, the house owner has also denied giving his house on rent either to the deceased or to the petitioner. Learned counsel also submits that a supplementary affidavit has been filed in which the medical certificate of the Prasad Hospital along with certificate of the Mukhiya and the application for obtaining death certificate have been annexed.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is a lady and is in custody since 09.08.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No. 261 of 2016.

Let the supplementary affidavit be kept on record.

(Satyavrat Verma, J)

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