

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64841 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- KARAKAT District- Rohtas

Poonam Devi, W/o Butan Paswan @ Shailesh Paswan, Resident of Village -
and P.S.- Badhaila, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh No.10, Advcoate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 13-12-2021 This bail application is taken up out of turn for hearing because the lady applicant is undergoing pretrial detention and her one year old child is living with her in the jail.

The applicant/accused in Crime No. 21 of 2020 registered with Karakat Police Station for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code at the instance of first informant Krishnawati Kunwar, by this application is seeking his release on bail during course of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that applicant is married lady who, at the time of commission of the offence was residing in her matrimonial house which is in some different village than the place of the incident. He further submits that there is no



prima facie evidence to connect the applicant with the crime in question.

The learned Prosecutor opposed the application by contending that murder of Vikash Kumar Mishra was committed in the parental house of the applicant and therefore she is not entitled for bail.

I have considered the submissions so advanced and also perused materials placed before me.

It is case of the prosecution that this Vikash Kumar Mishra was tuition teacher of the present applicant. Subsequently the applicant married to a person from village Bagela. According to the prosecution case, at the time of the incident, the applicant went to her parental house at village Gunsari for delivering a child. Vikash Kumar Mishra (since deceased) was found in company of the applicant by her parental relatives at odd hours and therefore he was beaten to death by her parental relatives.

Perusal of the papers of the investigation make it clear that there is no evidence worth mentioning in order to make out a prima facie case for connecting the applicant to the crime in question. The averment against the applicant is to the effect that she was having love relation with the deceased and



the deceased was found with her at her own parental house at odd hours.

Considering the fact that the applicant is lady having one year old child and keeping in mind the nature of evidence against her, her further pretrial detention is not warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 21 of 2020 registered with Karakat Police Station for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against her so as to dissuade her from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against her.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this



case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if she is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

U		T	
---	--	---	--

