

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2742 of 2022

Arising Out of PS. Case No.-683 Year-2021 Thana- SITAMARHI District- Sitamarhi

=====

SEEMA SINHA @ SEEMMA SINHA W/O SHIV SHANKER MAHTO R/o
village- Belahiya, P.S.- Sursand, District- Sitamarhi, Presently residing at CO
Office Lane, O.P.- Mehsaul, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ashhar Mustafa, Adv.
For the Opposite Party/s	:	Mr.Anant Kumar 1, APP
For the Informant	:	Mr. Praveen Kumar, Adv.
	:	Mr. Vinod Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner and the

learned counsel for the informant as well as the learned A.P.P.

for the State.

The petitioner seeks regular bail in connection with
Sitamarhi P.S. Case No. 683/2021, GR No. 3404/2021 lodged
under Sections 302, 307, 120B, 379/34 of the Indian Penal
Code, 1860 read with Section 27 of the Arms Act.

From the FIR, it transpires that the informant has
made four persons as an accused, including the petitioner who is
said to be wife of the informant. The specific allegation made by
the informant of firing against four unknown persons but the
doubt about commission of this crime were made against four



persons namely, Seema Sinha (petitioner), Santosh Kumar, Sandeep Kumar (the nephew of the informant) and one Tipu @ Mumshad Alam.

The learned counsel for the petitioner submits, it is a case of Section 302 with other Sections of the I.P.C. in which no specific allegation was made against the petitioner. He further submits that the rejection order passed by the trial court is a detailed order in which almost every relevant paragraphs of the case diary were mentioned and it is due to this reason he has made request to hear this case without call for the case diary. He further submits that only material against the petitioner is that in the confessional statement of the co-accused name of petitioner figured. Save and except, there is no evidence against her. He further submits that the relation between present petitioner and the informant of this case has already ended in the year, 2016, in support thereof the petitioner has annexed Annexure-2 i.e. compromise petition by virtue of which they became detached completely. He further submits that the petitioner is a lady aged about 41 years and languishing in jail since 26.08.2021. He further submits that Arms Act and Sections 307 and 379/34 is not applicable upon her.

Learned counsel for the informant opposed the prayer



for bail on the ground that the co-accused has stated about the involvement of the present petitioner in this crime and therefore, the bail of the petitioner should be rejected.

Learned APP for the State has opposed the prayer for bail.

From perusal of the lower court order, it transpires that the trial court has mentioned and discussed about different paragraphs of case diary in which materials available against the petitioner are present and therefore, I am of this view that there is no need for this Court to call for case diary.

Considering the facts of the case that there is no specific allegation against the petitioner of any act and only suspicion has been made against her and the said suspicion is based only on the confessional statement. In the case diary paragraph 46 is most fatal in which alleged wife of the informant who is living with the informant at present namely, Shabnam Ara has herself disclosed that she has seen from the window that four persons were running from street towards main road chased after the gun shot and one co-accused, namely, Sandeep Kumar was standing on the main road and he took one of the miscreant in his own vehicle, whereas the present petitioner has completely detached in the year 2016



itself from the deceased. She is lady aged about 41 years and is in custody since 26.08.2021 near about 10 months. Charge sheet has already been filed in this case, let the petitioner, above named be granted bail on furnishing bail-bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 683/2021,G.R. No. 3406/2021.

(Dr. Anshuman, J)

amitkumar/-

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

