

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20933 of 2021

Arising Out of PS. Case No.-456 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. BABITA DEVI W/O RAJ KUMAR SHARMA Resident of Village - Sharma tola Ward no.8, Ulaw, P.S.- Muffasil, (Singhaul), Distt.- Begusarai.
 2. Raj Kumar Sharma Son of Late Sonelal Sharma Resident of Village - Sharma tola Ward no.8, Ulaw, P.S.- Muffasil, (Singhaul), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 28-02-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners, who are in custody since 10.09.2020, seek
regular bail in connection with Begusarai, Muffasil (Singhaul)
P.S. Case No. 456 of 2020 registered for offences punishable
under Sections 382 and 302/34 of the Indian Penal Code.

Prosecution case, in brief, is that informant is in
service in Oil Refinery and resides along with his family. His
father used to reside alone in his own house at Adarsh Nagar.
Accused Babita Devi was maid servant since 6-7 years. It was



informed to him by a neighbour residing near his father's house that his father did not come out of house and his mobile phone is also switched off and the doors and the gate of house are bolted from inside. On getting information he reached then found that his father was lying dead on the ground having injuries on his chin, neck, left hand and left leg.

Learned counsel appearing on behalf of the petitioner submits that petitioners have clean antecedent and they were domestic helper of the deceased. As per the allegation made in the F.I.R. also they were found to be working in the house of the deceased for past 6-7 years. There is no eye witness to the alleged incidence. The petitioners have been booked in the present case on the basis of C.D.R. report. In paragraph no. 37 of the case diary call details have been recorded, which only confirms the fact that she used to make calls to the deceased from her husband's mobile phone in course of his day to day household affair. Petitioners above named have falsely been implicated in the present case merely on suspicion. No incriminating material has been collected in course of investigation. He further submits that the name of one Sanjay Kumar Choudhary as well as one Ajit Sharma has come in paragraph nos. 35 and 36 of the case diary on the basis of



C.D.R. report, who have not been made accused in this case however, the petitioners have been made accused in the present case on the basis of C.D.R. report. Petitioners are in custody since 10.09.2020.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the parties, from perusal of the F.I.R. as well as case diary it appears that the allegation of murder is levelled against the petitioner nos. 1 and 2 and 2-3 unknown persons. So far as the present petitioners are concerned, petitioner no. 1 is the domestic help of the deceased and petitioner no.2 is her husband and on mere suspicion, they have been roped in the present case on the basis of C.D.R. report that apart nothing incriminating evidence has come in course of investigation. There is no eye witness to the alleged incidence. Prima facie the petitioners have made out a case to be released on bail. The Court below is directed to release the petitioners above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai, Muffasil (Singhaul) P.S. Case No. 456 of 2020 subject to the following



conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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