

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12583 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BACHHWARA District- Begusarai

RAM DAY DEVI @ RAM DAI DEVI W/o Dharamveer Paswan @
Dharmveer Paswan Resident of Village - Naya Tol, Bhagwanpur, P.s.-
Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bachhwara P.S. Case No. 99 of 2021, registered for the

offences punishable under Sections 302 and 34 of the Indian

Penal Code.

As per allegation, the husband of the informant

after taking dinner in the night of 04.05.2021 went to his

rented house, situated in Jhamatia, Bhagwanpur Ward No.

12 and when he did not return till 06.00 A.M. on

05.05.2021, she went there and saw that the neck of her

husband was tied by a rope and he was lying dead.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that FIR has been lodged against unknown persons and as such there is not even a whisper in the FIR regarding involvement of the petitioner in the alleged offence. He further submits that the petitioner is daughter-in-law of the deceased and even after investigation the only thing which has come against this petitioner is that she was seen by the deceased in compromising position with a co-villager. Hence, this petitioner along with co-villager eliminated the deceased so that nobody else come to know about the illicit relationship of the petitioner. Except such statement, there is no other material in the case dairy connecting this petitioner with the alleged offence. He further submits that she has been languishing in jail since 20.12.2021 i.e. for about 8 months. Learned counsel for the petitioner also informs this Court that charge-sheet in this case has already been submitted, however, charge has not been framed.

It is also stated in paragraph no. 2 of the petition



that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances the petitioner, above-named, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 99 of 2021, **after framing of charge**, on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or



the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedent despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to



issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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