

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18188 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- TAJPUR District- Samastipur

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Rubi Kumari @ Rubi Devi, W/o Late Mukund Thakur, D/o Devan Ram R/o village- Sakri Maun, P.S.- Piar, District- Muzaffarpur, at present R/o village- Sarangpur Gopalpur, P.S.- Tajpur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ranjan Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Tajpur (Halai O.P.) P.S. Case No. 237 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 13.06.2021 at about 10 PM, the son of the informant went to attend the nature call, in the meantime, all the accused persons and some unknown persons forcibly abducted him and after



committing his murder hanged him at the Varanda of Rajkiya Primary School, Saranpur Gopalpur. It is further alleged that just prior to the occurrence, some quarrel took place between the son of the informant and F.I.R. named accused persons including this petitioner and they also threatened them with dire consequences.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is a married lady and there is no eye witness to the alleged occurrence and save and except the suspicion that prior to the alleged occurrence, a quarrel has taken place between the son of the informant and the family members of the petitioner, there is no material, which suggests the complicity of the petitioner in the present crime. It is next submitted that there is no eye witness to the alleged occurrence and only because of the land dispute between the parties, the name of all the family members of the petitioner have been implicated in this case. It is also submitted that this petitioner is in custody since 20.09.2021 and she gave birth to a child in Samastipur Jail in the month of January, 2022 and the jail authority is not taking proper care of them.

On the other hand learned APP for the State vehemently opposes the bail application and submits that from



the impugned order, it appears that during the course of investigation it has come that the petitioner had illicit relation with the deceased and suspicion has been raised about the complicity of the petitioner in the alleged abduction and killing of the deceased.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is a lady and there is no eye witness to the alleged occurrence and save and except suspicion, there is no other material which suggests the complicity of this petitioner, apart from the fact that she has a baby in her lap, aged about seven months, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 237 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(iii) She will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(Harish Kumar, J)

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