

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29714 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BAKHTIYARPUR District- Patna

SARITA DEVI W/o Chandan Yadav R/o village- Alipur, P.S.- Salimpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Giridhar Gopal Tiwary, Advocate
For the State	:	Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 03-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner 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.

Petitioner, who is in custody since 02.09.2020, seeks
regular bail in connection with Bakhtiyarpur P.S. Case No. 196
of 2020 registered for offences punishable under Section 341,
323, 307, 302, 120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

Prosecution case, in brief, is that the fardbeyan of the
informant namely, Sishupal Kumar is that on 24.08.2020 at
about 9:00 a.m., he proceeded for Barh Court along with his
father and younger brother of brother-in-law namely, Ajay



Kumar on Apache Motorcycle bearing Registration No. JH05 AH 5286. After completing the court work, he proceeded from Barh Court at about 4:00 p.m towards his village Alipur on the motorcycle. When he reached at Bakhtiyarpur new bye-pass Mabeshi Hatt, then five persons riding on two Apache Motorcycles having pistols in their hand overtook him and started firing and one Dinanath Yadav has shot fire upon his father and his father sustained fire-arm injury and fell down from the motorcycle thereafter, he along with Ajay Kumar tried to pick up his father. In the meantime, Chandan Yadav again shot fire which caused injury below in his left soldier. When the local villagers arrived after hearing the sound of firing, all the accused persons have fled away. He brought his father at P.H.C, Bakhtiyarpur but his father has been declared dead by the doctor. It is further stated that he solemnized love marriage with Muskan (daughter of Chandan Yadav) and due to this they have committed this occurrence.

Learned counsel appearing on behalf of the petitioner submits that there is direct allegation against the accused persons named in the F.I.R. and the petitioner was forced to put her signature in the police custody on the typed petition and on that basis, she has been roped in the present case. He further



submits that the daughter of the petitioner had married to one Sishupal against their will. He further submits that the petitioner is quite innocent and she has not committed any offence. The petitioner has not been named in the F.I.R. nor any description or suspicion has been made by anyone. She is in custody since 02.09.2020.

Learned counsel appearing on behalf of the informant submits that so far as the present petitioner is concerned, no overt act has been alleged against her in the F.I.R. nor she has been named in the F.I.R. However, this is a case of honour killing because the daughter of the deceased had married with the informant Sishupal Kumar against their will and with an intention to eliminate him, persons named in the F.I.R. assaulted the informant as well as his father who was declared brought dead by the doctors.

Learned A.P.P., for the state has referred to the several paragraphs of the case diary and he has submitted that so far as the present petitioner is concerned, there is no direct allegation nor any material available on record that she was one of the members who has conspired along with the accused persons.

Considering the above mentioned facts and circumstances of the case, rival submissions made by the



parties, petitioner is not named in the F.I.R., there is direct allegation of committing murder is on the accused persons named in the F.I.R., the petitioner was forced to sign a typed copy of statement in the police custody which has no evidentiary value in the eye of law, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Barh (Patna) in connection with Bakhtiyarpur P.S. Case No. 196 of 2020 subject to the following conditions:

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

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

(iii) If the petitioner tampers 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.

(Purnendu Singh, J)

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