

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32536 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

BABITA SHARMA @ BABITA DEVI W/o Late Pradeep Sharma Resident of
Village - Nandana, P.S.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Adv
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Uday Pratap Singh, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Chainpur
P.S. Case No. 177 of 2020 registered for the offence under
Sections 302, 201, 34 of the Indian Penal Code.

The prosecution case, in short, is that on 07.06.2020
the nephew, namely, Pradeep Sharma, of the informant had gone
to Hatta Bazar for doing wiring work but when he did not return
in the evening. His wife Babita Devi (petitioner) called on the
mobile of his nephew at about 7.00 P.M. on which Pradeep
Sharma asked him not to worry and that he would return in
some time. Again at 9.00 P.M. when she called on the mobile of
Pradeep Sharma to take his whereabouts she did not hear his



voice but voice of 4 to 5 other persons and after that the phone was switched off. The informant started looking for his nephew but he could not locate him. On 08.06.2020 at about 6.00 A.M. he found the slippers of Pradeep Sharma near Tinawan Kuan on which they suspected that Pradeep Sharma has been killed and his body was thrown in the Well with the help of villagers when they looked in the well they saw the dead body of Pradeep Sharma and on information the Chainpur police came and extract the dead body from the Well. The informant stated that few days back Bashishth Sharma, Arvind Sharma, Dimplal Pandey and Naga Chauhan had threatened Pradeep Sharma of life in connection with some monetary transaction and he suspected that they had killed his nephew.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case only on the basis of the suspicion. She is not named in the FIR. Learned counsel for the petitioner further submits that during investigation allegation against the petitioner is that he has talked to co-accused-Pappu Sharma, who is cousin brother of the deceased. He further submits that the police, after investigation, submitted chargesheet against the petitioner and recently charge has been framed against the



petitioner and other co-accused persons. Petitioner is in custody since 18.06.2020.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Chainpur P.S. Case No.177 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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