

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32499 of 2021

Arising Out of PS. Case No.-523 Year-2020 Thana- BAIRIYA District- West Champaran

=====

Dhrity Devi @ Dhirity Devi Wife of Late Shyamji Sah Resident of Village - Malahi, P.S.- bairiya, District- West champaran, and daughter of Sri Mansa Sah, Resident of Village - Saraiya Pipra, P.S. - Govindganj, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma
For the Opposite Party/s	:	Mr. Rana Randhir Singh, A.P.P.
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioner as well as learned counsel for the Informant and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Bairiya P.S. Case No. 523 of 2020 registered for the offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code.

According to prosecution case, the written statement of the informant alleging therein that in the night all the family members slept in their respective rooms after supper. His wife



woke up and she found the door of the house opened. She came out side of the house and found the petitioner out side of the house. She was taken inside of the house but she tried to flee away. Thereafter, informant went into the room of petitioner where Shyamji Sah, husband of petitioner was found murdered by sharp cutting weapon. The informant further stated that his son was murdered by the petitioner and other persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and she has falsely been implicated in the present case. He further submits that petitioner is the wife of the deceased. He further submits that nothing has been recovered from conscious possession of the petitioner and only on the basis of suspicion the name of the petitioner has been implicated. He further submits that there is no eye witness of the occurrence and the police has submitted the charge sheet against the petitioner. The petitioner is in custody since 21.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate-III, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 523 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

