

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36981 of 2021

Arising Out of PS. Case No.-329 Year-2020 Thana- BELDOUR District- Khagaria

KANCHAN DEVI W/o Late Gyani Sharma Resident of Village - Pansalwa,
P.S.- Beldaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

11 27-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

Considering the submission, learned counsel for the
petitioner is permitted to make necessary correction in
paragraph no.1 of the present bail petition, during course of day.

The petitioner seeks bail in connection with Beldaur
P.S. Case No. 329 of 2020 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.12.2020.

The allegation against the petitioner is to commit
murder of father of the informant along with her paramour.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and the entire allegation is based upon suspicion that petitioner, who is step-mother, having extra marital affairs with one, Indrajeet Kumar. It is further submitted that alleged recovery of blood stained '**Dabiya**' was made from the house of the petitioner, immediately after her arrest and admittedly, as per report of Superintendent of Police, Khagaria, same was not sent for FSL examination, appearing a gross negligence against standard practice. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent, moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that in terms of report of Superintendent of Police, Khagaria, the blood stained '**Dabiya**' was not sent for FSL examination.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where petitioner is a lady of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Beldaur P.S. Case No. 329 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Khagaria / concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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