

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28771 of 2022

Arising Out of PS. Case No.-764 Year-2021 Thana- FORBESGANJ District- Araria

Jamuni Devi @ Dukhani Devi, Wife of Biren Singh, Resident of Village-
Chakarghatta Ward No. 09, Police Station- Simraha (Forbesganj), District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 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. Mukesh Kumar Rana, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with S.t. No. 87 of 2022, arising out of Forbesganj
P.S. Case No. 764 of 2021, registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the
marriage of the sister of the informant was solemnized with co-
accused Sarwan Singh, about 12 years ago, and they blessed
with one daughter, aged about 12 years, and one son, aged about



2 years, from their wedlock. It is alleged that just after the marriage, the deceased was subjected to cruelty and harassment by all the co-accused persons, as the deceased was making objection for having illicit relationship of Sarwan Singh with the petitioner. It is further alleged that on 19.01.2021, the informant received an information that all the co-accused persons, including the petitioner, have committed murder of the deceased and the body of his sister was found in a field.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the F.I.R., it would be evident there is no eyewitness to the alleged occurrence and save and except the fact that the petitioner had illicit relationship with co-accused Sarwan Singh, who happens to be the husband of the deceased, there is no material against the petitioner. He next submits that the petitioner is the wife of Biren Singh and she has no relationship with Sarwan Singh and his family members, but only on account of suspicion, her name has been implicated in this case, though co-accused Sarwan Singh, is already in custody. He next submits that there is no allegation that she has any way actively participated in the present crime nor any incriminating material has been recovered suggesting the complicity of the petitioner in the present crime, however, the



petitioner being a lady, having fair antecedent, is in custody since 20.09.2021 and, moreover, the investigation of the crime is already completed and charge sheet has been submitted and, as such, there is no chance of absconding of the petitioner and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been leveled against the petitioner that he in collusion with other co-accused persons committed the murder of the deceased.

Regard being had to the nature of the allegation and considering the fact that save and except suspicion, there is no other material coupled with the fact that the petitioner being a lady, is in custody since 20.09.2021, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with S.T. No. 87 of 2022, arising out of Forbesganj P.S. Case No. 764 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

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



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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