

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40190 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- BAKHTIYARPUR District- Patna

ABHA DEVI, D/o Sita Ram Paswan, Wife of Santosh Kumar Resident of
Village- Belthan, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner and Mr.
Harendra Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bakhtiyarpur P.S. Case No. 215 of 2019 registered for the offences punishable under Section 302 and 201/34 of the Indian Penal Code. She is in custody since 10.07.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant, who is a contractor in Danapur Railway Division, has alleged that Falendra Kumar Singh was working with him and on 04.07.2019 when his driver namely, Ravindra Yadav called on the mobile of Falendra Singh, he could not succeed to call. Thereafter the informant inquired about him and called on the mobile of Jitendra Kumar then he gave information that one



unknown dead body has recovered in the Bakhtiyarpur Police Station. The informant thereafter reached at Bakhtiyarpur Police Station and gave his fardbeyan stating that the deceased has died by pressing his neck and the dead body thrown in the back of Satyam Hotel.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that after two months of the alleged occurrence, on the basis of confessional statement of the co-accused Raushan Kumar, the name of the petitioner has transpired and the said Raushan Kumar has been granted privilege of bail by a learned coordinate Bench of this court in Cr. Misc. No. 29387/2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions and materials showing that after two months of the alleged occurrence on the basis of confessional statement of the co-accused Raushan Kumar the name of the petitioner has transpired and the said Raushan Kumar has been granted privilege of bail by a learned coordinate Bench of this court in Cr. Misc. No. 29387/2020 vide order dated 11.12.2020, so far as this petitioner is concerned,



she has no criminal antecedent and has remained in jail since 10.07.2020, investigation against her is complete and her presence may be secured in course of trial, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, District – Patna in connection with Bakhtiyarpur P.S. Case No. 215 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 her 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

