

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41781 of 2021**

Arising Out of PS. Case No.-463 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

NIRMALA DEVI Wife of Dhaneshwar Singh Resident of Village - Ukhai
Paschim Tola, P.S.- Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 06-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for regular bail arises out of Siwan Muffasil P.S. Case No. 463 of 2018, disclosing offence punishable under Sections 364, 302/34 of the Indian Penal Code.

The petitioner is in custody since 05.03.2021. She is wife of the alleged victim. Initially, a complaint petition was filed by the mother-in-law of the petitioner on 23.05.2018 alleging that her son and the petitioner had gone together to visit the petitioner's paternal home on 15.01.2016 and thereafter her



son did not return. In course of time, based on the said complaint, FIR came to be registered under Section 156(3) of the Cr.P.C.

Learned counsel for the petitioner has submitted that the very fact that the complaint petition was lodged more than two years after the alleged date of occurrence casts serious doubt over the prosecution's case as disclosed in the complaint petition. He further contends that the police have submitted charge-sheet for the offence punishable under Section 365 of the IPC.

Considering the circumstance that the petitioner is a lady, who is in custody since 05.03.2021 and there is delay of more than two years in lodging of the complaint petition, a case for grant of regular bail is made out. This application is accordingly allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Siwan Muffasil P.S. Case No. 463 of 2018.

(Chakradhari Sharan Singh, J)

Rajesh/-

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