

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33759 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- PAKRIDAYAL District- East Champaran

Shail Devi Wife of Rajaram Sah R/O Village- Parsa, P.S.- Pakridayal,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

According to prosecution case, the informant Chhathu
Sah has filed a petition before S.H.O. Pakakridayal police
station stating therein that his elder brother Manoj Sah started
living in his Sasural with his wife and three daughters and one
son and he was doing work at Mumbai as laborer. on the eve of



Dashahra festival he came at his house and he used to go and live at her in laws village because he has already sold homestead land 4-1/2 dhurs and settled in her in-laws village. On 18.01.2021 the informant received information from his maternal aunt that informant's elder brother Manoj Sah has died in village Parsa. On this, the informant and others went there and came to know from the villagers that dead body of his brother Manoj Sah is lying in bush at the distance of about 01kilometer. The informant is confident that wife, father-in-law and mother-in-law have committed murder of his brother by hanging with her throat and threw his dead body out side of the village in a bush.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact, the petitioner is mother-in-law of the deceased and she has no concern at all in the present occurrence. He further submits that she will not derive any benefit from the death of her son-in-law. He further submits that the wife of the deceased Rubi Devi and Rajaram Sah have been granted bail by this Court vide order dated 04.04.2022 passed in Cr. Misc. No. 45089 of 2021. He further submits that the police after



investigation submitted the charge sheet against the petitioner.
The petitioner is in custody since 25.08.2021.

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

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 Court
below where the case is pending in connection with Pakridayal
P.S. Case No. 16 of 2021, 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)

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