

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43053 of 2021**

Arising Out of PS. Case No.-211 Year-2021 Thana- SUPAUL District- Supaul

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SEEMA DEVI @ SHYAMA DEVI Wife of Late Ravindra Mandal Resident
of Village - Jolhania, Ward No.- 07, P.S.- Pipra, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 26-04-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

Petitioner, who is in custody since 23.03.2021, seeks

regular bail in connection with Supaul P.S. Case No. 211 of

2021 registered for offences punishable under Section 302/34 of

the Indian Penal Code.

Prosecution story in brief is that informant of the

present case is brother of the deceased, who had allegedly been

murdered by one Dr. Jitendra Singh and some other unknown

persons in his clinic where the body of the deceased was found.

It has been alleged in the FIR that the accused persons had

strangled the brother of the informant due to which he had



died.

Learned counsel appearing on behalf of the petitioner submits that the present petitioner is not named in the FIR. Only material which has come in course of investigation is that she was in love affair with the petitioner and to that effect it would be not proper to connect the petitioner in commission of murder of the deceased. A CDR report has been brought on record. Charge-sheet has already been submitted. The investigating officer has not brought on record even minuscule evidence against the petitioner to have established any connection with the accused Dr. Jitendra Singh in whose clinic, the deceased was employed and murder took place. Petitioner has clean antecedent and she is a lady, aged about 30 years. There is no allegation of tampering the evidence or influencing the witnesses. Petitioner is in custody since 23.03.2021. Petitioner be released on bail in want of any evidence having been collected against her in course of investigation.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He has relied on paragraph no. 43 of the case diary in which it has come that she has admitted the fact that she was in love relationship with the deceased and she had blocked his number soon after the brother of the



informant had died.

Having heard the rival submission made by the parties, petitioner is not named in the FIR, alleged murder took place in the clinic of one co-accused Dr. Jitendra Singh, there is no eye witness to the alleged incidence, the petitioner has been made accused in the present case on the basis of CDR records to establish the fact that she was in love relation but not even a minuscule evidence has been collected against the petitioner by the investigating officer in course of investigation to connect her in commission of murder or any connection with co-accused Dr. Jitendra Singh. It is not the case of prosecution she was also employed in the clinic of Dr. Jitendra Singh. The allegation of involvement of the present petitioner in alleged murder of the brother of the informant prima facie is not established. Petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Supaul in connection with Supaul P.S. Case No. 211 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

Any observation made in this order shall not affect the conduct of the trial.

(Purnendu Singh, J)

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