

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34883 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- SITAMARHI District- Sitamarhi

ANITA DEVI @ ANITA SINGH W/o Dr. Anil Kumar Singh Resident of Village - Jagdish Brahi, Police Station- Purhahiya, District - Sheohar. Present Address - Resident of Village - Physical Gali, Ward No. 28, Kalawati Jiyalal Clinic, Police Station- Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Madhubala Verma, Advocate Mr. Ajay Kumar Verma, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 22 of 2022 registered for the alleged offences under Sections 302, 304(B) and 34 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, daughter of the informant was married to the son of the petitioner and allegedly she was being tortured by the petitioner and other co-accused persons on



account of their demand of dowry. At the instigation of the petitioner and her co-accused husband, the co-accused son of the petitioner shot dead the daughter in-law of the petitioner with his country made pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not the assailant and the story of the co-accused killing the daughter of the informant on instigation of the petitioner is completely false and concocted. The informant is not a eye witness and his presence at the place of occurrence has been ruled out by the location of his mobile phone tower of his mobile phone. It has also come during investigation that some quarrel took place between the deceased and the co-accused brother in-law on account of the co-accused being in the habit of drinking/being addicted to drugs. The petitioner and the other co-accused persons did not run away and rather they took the deceased to the hospital and they were apprehended from the hospital or from their clinic cum residence. The co-accused even admitted that he fired upon deceased on account of fact that deceased have been objecting to his drinking/addiction of drugs. The co-accused has also confessed his crime and has not allegation against any co-accused persons



for their knowledge of his act of commission of his crime . The petitioner has stated in her statement that on hearing the sound of fire she went to the room of the deceased after occurrence and raised alarm. Thereafter, the deceased was taken to the hospital in injured condition and during the course of treatment, she was declared dead. Learned counsel further submits that co-accused husband of the petitioner has been granted bail by the learned trial court. Charge sheet has been submitted in this case and the petitioner is in custody since 11.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that at the instance of this petitioner, the co-accused was shot dead the daughter of the informant learned APP concedes that it has come during investigation in statement of witnesses recorded in paragraph 7 and 13 of the case diary that the act of the co-accused was done on his own and the petitioner has got no role.

Perused the record.

Having regard to then facts and circumstances and considering the submission made on behalf of the parties and further considering the lack of material against this petitioner to connect him with the allegations made and the submission of charge sheet, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Sitamarhi P.S. Case No. 22 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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