

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36806 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- SAHPUR District- Bhojpur

Reena Kumari @ Reena Devi D/O Late Mana Tatwa R/O- Vill-Dewaich Kundi, P.S.- Shahpur, Dist.- Bhojpur (BIHAR) And Wife Of Krishna Tatwa, R/O- Vill- Bali Sonbarsa, P.S.- Sonbarsa, Dist- Buxar (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP who represents State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case is registered under section 302/34 of the Indian Penal Code, in connection with Sessions Trial No. 113 of 2022 arising out of Shahpur P.S. Case No. 145 of 2021.

The prosecution story reads as follows:-

On 26.5.2021, the informant heard that the dead body of his brother was lying in the 'Badhar'. The informant along with his family members rushed to the place and saw the dead body of his brother. Earlier, there was a dispute between



the deceased and the daughter of Mana Tatwa and in the Panchayat, he had threatened the informant of dire consequences.

Learned counsel for the petitioner submits that only on account of the fact that role of this lady has been assigned as having love affairs with the deceased and accordingly she has been bracketed in the category of accused. The further submission is that there is no eye-witness to the alleged occurrence and the deceased was also a man of dubious character and his last submission is that other co-accused Mana Tatwa and Amarnath Tatwa as also others have since been released on bail vide Cr. Misc. No. 26295 of 2022 (22.8.2022) and Cr. Misc. No. 57549 of 2022 (20.3.2021) respectively.

Taking into account the fact that the petitioner is a lady, is in custody since 11.8.2021 (as stated in para-14 of the bail application), charge-sheet stands submitted and other similar placed co-accused as stated aforesaid have been released on bail, this Court is inclined to grant him the privilege of bail. However, if it is found that the statement made by the counsel for the petitioner with regard to release of other co-accused is false, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VIII, Bhojpur at Ara, in connection with Sessions Trial No. 113 of 2022 arising out of Shahpur P.S. Case No. 145 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail her cancellation of bail by the Trial Court itself;

(iii) upon returnn to his district, he shall visit the concerned police station every fortnight for the next six months;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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