

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46515 of 2021**

Arising Out of PS. Case No.-295 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

NILAM KUNWAR @ NILAM DEVI W/o LATE SHAMBHU SINGH R/o
VILLAGE-KURRA, P.S-MOHANIA, DISTRICT-KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar Pathak, Adv.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 07-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 201 of the Indian Penal Code.

As per the prosecution case, the son of the informant was murdered and the dead body was recovered from a well.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the *bhabhi* of the deceased. She has been falsely implicated in the case for oblique reasons. It is submitted that the son of the petitioner namely Subham Kumar Singh has been enlarged on bail vide order dated 23.2.2021 (Annexure-2) passed in Cr. Misc. No. 37271 of 2020. The name of the petitioner transpired in the supplementary case diary on



4.5.2021. There is no eye witness to the occurrence. The petitioner is in custody since 11.6.2021 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the material that has transpired in course of investigation to connect the petitioner with the alleged crime and her presence is further confirmed from the CDR of her mobile phone. It is further submitted that the bail granted to the aforesaid Subham Kumar Singh has been canceled by the learned trial Court as he was not cooperating in the trial.

In response, it is submitted by learned counsel for the petitioner that once again the said Subham Kumar Singh has been enlarged on bail

Having heard learned counsel for the parties and taking into consideration the facts of the case, the investigation in the case having concluded, grant of bail to Subham Kumar Singh vide order dated 23.2.2021 (Annexure-2) and the petitioner having remained in custody for more than 8 months, the Court directs the petitioner to be enlarged on bail in connection with Mohania P.S. Case no. 295 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua.

It is directed that the petitioner shall cooperate in the trial and shall remain properly represented in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

