

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37886 of 2022

Arising Out of PS. Case No.-547 Year-2021 Thana- MUFFASIL PURNIA District- Purnia

1. Roshan Khatoon D/O Md. Israil Resident of village- Eidgah Tola Sarsi Madarsa Chowk, P.S.- Sarsi, District- Purnea.
2. Roshan Khatoon Eidgah Tola Sarsi Madarsa Chowk Thana Sarsi District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sadar (Muffasil) P.S. Case No. 547 of 2021 lodged under Sections 302, 201, 120(B) and 34 of the I.P.C.

As per the prosecution case, the informant has alleged that her husband (deceased) was working at Dulari Line Hotel at Madhopara since last one year who was missing from the past four months. Informant alleged that on 13.10.2021, she was informed by the owner of Dulari Line Hotel that her husband

was murdered under a conspiracy by petitioner alongwith 2 others and they have concealed the dead body in a *Sokhta* Tank behind Dulari Line Hotel. Upon receiving this information, she reached near the place of occurrence with her relatives and villagers and called police and on the basis of which the F.I.R. has been lodged. The dead body was also recovered from the tank.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is clean and she is in custody since 14.10.2021. Counsel submits that F.I.R. has been lodged after 6 months from the date of missing as it transpires from the F.I.R. itself. Counsel further submits that there is no eye-witness of the occurrence and charge-sheet has already been filed in this case.

Learned counsel for the State vehemently opposes the prayer for bail and submits that in the diary, it has revealed by the informant that when she got information about the commission of the crime, then on the very same day she filed the F.I.R. Counsel further submits that on his suspicion, the body was recovered from the place where she has indicated. Counsel further submits that the cause of death was

categorically narrated by the accused persons including the present petitioner. He further submits that it has come in the case diary that the deceased was in physical contact with the petitioner and with the help of other two accused she has hatched the conspiracy in which the husband of the petitioner was murdered.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, her bail petition is hereby rejected.

However, liberty is hereby granted to the petitioner to move for bail after lapse of 6 months.

Trial Court is directed to complete the trial within the said period, if the trial shall not be concluded within the said period then the petitioner shall be released on bail imposing conditions so that she may not evade her appearance during trial if not concluded.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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