

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39312 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- BEERPUR District- Begusarai

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RUKMANI DEVI WIFE OF LALA SAHNI R/O VILLAGE- SARAUNJA,
P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Birpur
P.S. Case No. 02 of 2022 registered for the offence under
Sections 302 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.01.2022.

The allegation against the petitioner is to commit
murder of brother-in-law (*Dewar*) of informant along with her
husband, as petitioner having love affairs with deceased.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and even the person, who informed about dead body, as per FIR, is also not an eye-witness, where, entire allegation is based upon suspicion. It is further submitted that the deceased is the brother-in-law of informant and also the relative of this petitioner and as petitioner found in conversations over mobile with deceased, a suspicion of love affairs was raised. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as the informant is not the eye-witness of the occurrence, except suspicion, nothing incriminating surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence, where, petitioner is a lady of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Birpur P.S. Case No. 02 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-VII-cum-A.C.J.M.-VI, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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