

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38253 of 2022

Arising Out of PS. Case No.-64 Year-2017 Thana- MAKHDUMPUR District- Jehanabad

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Pramila Devi W/o Satish Kumar, R/o village- Nandanpura, Tole Mali Bagicha, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 23-11-2022 Let the defect(s), if any, be removed within two weeks from today.

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

The petitioner seeks regular bail in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 64 of 2017, lodged under Sections 302, 384/34 of the Indian Penal Code.

As per prosecution case, the allegation is that the informant (who is petitioner here) submitted before the SHO of the Police Station that at about 03.30 a.m. on 30.03.2017 named accused persons had kidnapped her son and committed murder. She further alleged that the cause of offence is demanding of Rs.50,000/- which the informant party fail to deliver to the accused persons, the said demand is as a sum of rangdari. After

committing murder of the innocent child the dead body of the said child was alleged to be thrown in well, with this allegation the F.I.R. has been lodged.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the allegation of murder of the victim is upon the petitioner who is nonetheless but the own mother of her child which appears to be unbelievable. Learned counsel also submits that the antecedent of the petitioner is clean and she is in custody since 23.05.2022. He further submits that the petitioner has disclosed five names in the F.I.R. but during investigation a different story at all has come, according to the said story the petitioner was in relation with one Ranjit Kumar, who is the cousin brother of the petitioner's husband and the police found strong suspicion against the present petitioner, that the petitioner alongwith Ranjit Kumar has committed the said crime. Learned counsel for the petitioner further submits that the said Ranjit Kumar has already been granted bail by the Co-ordinate Bench of this Court (Annexure-2). He also submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon her by the Court. Learned counsel further submits that there is only and only suspicion, save & except nothing cogent material has been found against the present petitioner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 64 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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