

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38852 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- AMARPUR District- Banka

Savita Devi Wife of Bhawesh Kapri, Resident of village - Ballikitta, Police Station- Amarpur, District - Banka.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Amarpur P.S. Case No. 537 of 2021 registered
for the alleged offences under Sections 302, 120(B)/34 of the
Indian Penal Code.

As per prosecution case, the husband of the informant
was killed by co-accused persons by slitting his throat by sharp
cutting weapons. When the son of the informant tried to
intervene, the co-accused persons fled away from the spot. The
informant has further alleged that the petitioner is involved in
conspiracy of killing her husband. The occurrence took place in



the background of dispute over right of way on the land of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant does not appear to be an eye witness. There is no specific allegation against this petitioner and only allegation is that of hatching conspiracy against her, but this is a vague allegation. There is no substantive or cogent material to prove this fact. It is not even the case of the informant that the petitioner meted out threat either to the informant or her deceased husband or any of her family members. From the F.I.R. it is also clear that allegation of assault was specific against two co-accused persons. The petitioner is in custody since 20.02.2022 and charge-sheet has been submitted.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and except accusing her for hatching a conspiracy, there appears no substantive material against her on the record and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 537 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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