

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48668 of 2021**

Arising Out of PS. Case No.-715 Year-2020 Thana- SAHARSA SADAR District- Saharsa

Prabha Devi @ Usha Devi W/O Harinandan Mistri R/O Village-Pasupalan
Chowk, P.S-Saharsa Town, District-Saharsa (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 24-05-2022 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Saharsa Town P.S. Case No. 715 of 2020 dated 21.09.2020 which was initially instituted for the offences under Sections 364, 365 and 120B of the Indian Penal Code but, later, Section 302 of the Indian Penal Code.

The Informant of this case is the son of the deceased who has alleged that on enquiry regarding his father going missing, it was learnt that his father had visited one Baba Choudhary and, thereafter, had gone to the house of the petitioner. For the last two years, it was learnt by the Informant, that his father used to visit Prabha Devi (petitioner). Since the father (deceased) of the informant is in government service, the



informant has suspected the hands of Baba Choudhary, who is a toddy-tapper, and Prabha Devi who might have conspired and killed the deceased.

The learned counsel for the petitioner has submitted that except for wild suspicion, there is no other material to connect the petitioner with the offence. It has further been submitted that assuming but not admitting that the deceased had visited the house of the petitioner, that by itself would not be sufficient evidence to draw the inference of the petitioner having conspired to kill the deceased.

Whether the deceased was robbed of his personal belongings or was made to sign any document is not known. From the impugned order, it appears that no incriminating circumstance against the petitioner has been taken note of by the court below.

The petitioner is said to be in custody since 23.09.2020 and the case has not progressed and according to the information of the petitioner, even the charges have not been framed.

Considering the aforementioned facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Saharsa (Bihar) in connection with Saharsa Town
P.S. Case No. 715 of 2020.

(Ashutosh Kumar, J)

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