

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51186 of 2021**

Arising Out of PS. Case No.-26 Year-2021 Thana- BARAUNI RAIL P.S. District- Begusarai

SAKSHI KUMARI W/o Raj Kumar Resident of Village - Pachmahla Ward
No. 26, P.S. - Mokama, Distt.- Patna. At present resident of Barauni Railway
Qr. L-60/R, P.S.- Barauni Rail, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Shri Krishan Prasad Sinha, Sr. Advocate

Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 03-02-2022 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Barauni (Rail) P.S. Case No. 26 of 2021 instituted for the
offences under Sections 302, 120(B) of the Indian Penal Code
read with Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 28.03.2021, is a person with
clean antecedent and charge-sheet has been submitted and is a
woman.

The informant alleges that on 24.03.2021, at about



08:30 P.M., his wife (Sakshi Kumari-petitioner) called him on his mobile no. 7366841009 from her mobile no. 7633817423 and informed that at about 07:30 P.M. she and the sister of the informant (Kajal Kumari) were not at home and his father (Satish Chaudhary-deceased) was shot by unknown assailant. It is further alleged that the deceased was posted as technician at Barauni Railway Station. Further the informant alleges that his wife and sister on asking informed that when they were leaving the quarter at that time his father was not in the quarter but when Kajal Kumari reached the quarter she saw her father in a pool of blood and was dead lying on a bed in the Verandah. Further Kajal Kumari informed Sakshi Kumari who had gone to meet her relative in the neighbourhood, thereafter the informant along with his brother reached the place of occurrence and found his father dead.

Learned Senior Counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant has specifically alleged that neither the petitioner nor his sister were present in the house when the occurrence took place and when his sister returned she saw the dead body of her father and accordingly informed the petitioner who in turn informed her husband i.e. the informant.



It is thus submitted that at the time of occurrence even the petitioner was not present at the place of occurrence. Learned Senior Counsel submits that during the course of investigation, it transpired that this petitioner was talking to one Sachin and it was Sachin who committed the occurrence by shooting the deceased. Learned Senior Counsel submits that during the course of investigation, it has also come that Kajal Kumari has stated that this petitioner perhaps was at the place of occurrence when the occurrence took place. Learned Senior Counsel submits that the FIR is clear that neither the petitioner nor Kajal Kumari were present at the place of occurrence, as such, in order to falsely implicate the petitioner such statement has been made for reason best known to Kajal Kumari. Learned Senior Counsel further submits that even presuming what has been alleged is true then it is Sachin who had committed the occurrence and is in the category of main assailant at best the petitioner would be a conspirator in the crime, though the submission is being made only for the purposes of bail without admitting the same, the learned Senior Counsel thus submits that petitioner being a woman her case be considered with compassion as she is not alleged to be the assailant even during the course of investigation.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and is a woman and even during the course of investigation is not alleged to be the assailant, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Begusarai in connection with Barauni (Rail) P.S. Case No. 26 of 2021.

(Satyavrat Verma, J)

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