

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52308 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- CHANDI District- Bhojpur

Deomuni Devi W/o Doman Yadav R/o Village- Kunjal Tola, P.S.- Chandi,
District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vagisha Pragya Vacaknavi, Advocate
For the Informant	:	Mr. Brajesh Prasad Gupta, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Chandi P.S. Case No. 71 of 2021 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.04.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and is a woman.

Learned counsel for the petitioner submits that the informant alleges that he runs a cloth shop for the last twenty years and his nephew Lal Bihari (deceased) stays with him, further it is alleged that one Shiv Charan Yadav had taken cloths



worth Rs. 10,000/- on credit, further the nephew of the informant had gone to the house of Shiv Charan Yadav for the money, but he was threatened of ill consequences. It is next alleged that Shiv Charan Yadav came to the house of the informant and asked him to send his nephew for collecting the money, accordingly the nephew went to the house of Shiv Charan Yadav but did not return, thereafter informant went to the house of Shiv Charan Yadav looking for his nephew, when he was informed that he had gone to his *khalihan*, accordingly the informant went at *khalihan* of Shiv Charan Yadav and saw that the petitioner along with accused persons were sitting and on query about his nephew, the informant was told that he has been and killed and now he should forget his money or he will also meet the same fate. Further, it is alleged that the younger brother of the informant informed that dead body of Lal Bihari is lying in the field.

Learned counsel for the petitioner submits that the petitioner is a woman and has been falsely implicated in the present case without alleging any overt act rather the entire allegation on the face of it appears to be improbable and absurd, as it does not stand to reason that after killing a person, the accused would sit at the place of occurrence or near the place of occurrence waiting for the family member of the deceased to come so that they can inform that they have killed the deceased.



Learned counsel further submits that the occurrence has taken place as death is a certainty but the manner in which it has been alleged, does not appear probable.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and submit that the occurrence had taken place for Rs. 10,000/- which was due with Shiv Charan Yadav but are not able to meet the submission of learned counsel for the petitioner that if the money was due with Shiv Charan Yadav then why the petitioner, wife of Doman Yadav, would participate in the occurrence.

Considering the fact that the petitioner is in custody since 26.04.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent, and is a woman, there is no eye-witness to the occurrence and the implication is based on suspicion, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur, Ara in connection with Chandi P.S. Case No. 71 of 2021.

(Satyavrat Verma, J)

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