

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54411 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- ALOULI District- Khagaria

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Simpi Devi @ Oppo Wife Of Bipin Thakur R/O Village- Baluahi Khagaria,
P.S.- Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 58159 of 2021

Arising Out of PS. Case No.-172 Year-2021 Thana- ALOULI District- Khagaria

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Bipin Thakur S/O Tarni Thakur R/O Naya Tola, Baluwahi Ward No.26, P.S-
Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 54411 of 2021)

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 58159 of 2021)

For the Petitioner/s : Mr.Rajesh Sinha

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-08-2022 Let the defects, if any, be removed within four
weeks from today.

Both the matters arise out of the same Police
station case and the same is being heard together and
disposed of by this common order.

Heard learned counsel for the petitioners as well



as learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Alauli P.S. Case No. 172 of 2021 for the offences punishable under Sections 302, 201,120(b)/34 of the Indian Penal Code and section 27 of the Arms Act.

Prosecution case is based on a written report alleging therein that the deceased Ramanand Kumar had a shop at Khagaria and co-accused Sintu was friend of him. It is alleged that petitioner Shimpi Devi @ Opo , who is wife of Bipin Kumar had good relation with Sintu. She used to visit the shop of Ramanand Kumar and later on she developed illicit relationship with the deceased. It is further alleged that when co-accused Sintu came to know, he threatened the deceased not to talk to Shimpi Devi but she started pressurizing to Ramanand Kumar for marriage. The deceased revealed this fact to co-accused Sintu and her husband. It is also alleged that co-accused Sintu threatened to kill him and his family members.

Learned counsel for the petitioners submits that both the petitioners happen to be wife and husband and are



in custody since 23.05.2021. It is submitted that save and except the allegation that petitioner (Shimpi Devi) had illicit relation with the deceased, there is no material suggesting her involvement in the present crime and so far as the petitioner (Bipin Thakur) is concerned, it has come that he used to live at Gawhathi and when he came to his house Khagaria, he knew all this facts. It is next submitted that during the course of investigation, the witnesses have only suspected the involvement of the petitioners and no other cogent materials have come showing the involvement of the petitioners. Learned counsel for the petitioners further submits that the petitioners have no motive or any reason to kill the deceased. It is lastly submitted that there is no eye witness to the alleged occurrence and the entire prosecution case is based on suspicion and no incriminating material has been recovered from possession of any of the petitioners.

On the other hand, learned counsel for the informant opposed the bail application and submits that during the course of investigation, ample material has come suggesting the involvement of the petitioners in the present crime . It is



also submitted that petitioners, Shimpi Devi and Bipin Thakur are instrumental in causing death of the deceased as Shimpi Devi had illicit relation with the deceased Ramanand Kumar and which was opposed by Bipin Thakur.

The learned APP for the State also vehemently opposed the prayer for bail and submits that there is no eye witness to the alleged occurrence and the entire case is based on circumstantial evidence.

Having heard the rival contentions of the parties and taking into consideration the fact entire case is based on circumstantial evidence and the petitioners having fair antecedent are in custody since 23.05.2021 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 172 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with



further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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