

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57107 of 2022

Arising Out of PS. Case No.-346 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Nisha Kumari, Wife Of Sri Sonu Kumar @ Prabhat Kumar, R/O Village- Mahmadpur Gautam, P.S.- Nayagaon, Distric- Begusarai. At Present D/O Late Uma Shankar Singh, Residing Of Village- Anandpur, Ward No.26, P.S.- Nagar (Lohiya Nagar O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the daughter of the petitioner, who is aged about 3 years, is suffering from loss of appetite and the doctor has advised to keep the child with her mother for improvement of health.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Nagar (Lohiya Nagar) P.S. Case No. 346 of 2022 registered for the alleged offences under Sections 302, 120 (B)/34 of the Indian Penal Code and Section 27 of the Arms



Act.

As per prosecution case, the daughter of the informant was shot dead by unknown miscreants. The petitioner is the sister of the deceased and her name surfaced during investigation for being involved in the murder of her sister.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no role in the occurrence as alleged. The petitioner has been named in this case by the co-accused Kundan Kumar who was having grievance against the deceased as it came up during investigation in the statement of the witnesses. The petitioner has been roped in this case merely on suspicion that the deceased might have been in a relationship with the husband of this petitioner but it is a flimsy ground. The confessional statement of the petitioner was recorded by the police but the same has been made under duress and coercion and cannot be used against the petitioner. The statement of the petitioner was also recorded as a witness wherein she has stated that the co-accused Kundan Kumar made viral nude photograph of her 4th sister for which the deceased slapped him and this might be the reason for the co-accused to commit her murder and for this reason, the co-accused might have named this



petitioner as well. The petitioner is in custody since 04.07.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that the witnesses in paragraphs 28 and 43 of the case diary have raised suspicion about the involvement of the petitioner and the co-accused has also named the petitioner in his confessional statement apart from self confessional statement of the petitioner.

Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and except for suspicion and confessional statement, nothing of substance has come up against her during investigation and further considering the submission of charge sheet, the petitioner 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, Begusarai, in connection with Nagar (Lohiya Nagar) P.S. Case No. 346 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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