

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65067 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- KHODAWANDPUR District- Begusarai

KHUSHBU DEVI W/o Dilip Sah Resident of Village - Parora, P.s.-
Khodawandpur (Chhaurahi O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 81 of 2021 registered for the alleged offences under Sections 341, 323, 302, 120(B) and 34 of the Indian Penal Code.

As per prosecution case, the daughter of the informant was killed by the petitioner and the co-accused Ganga Sah as she opposed the illicit relationship between the petitioner and the co-accused.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. She has been made accused in this case merely on suspicion that she was having illicit relationship with co-accused Ganga Sah. No independent witness has been examined to verify this fact and further no '*Panch*' who allegedly participated in the panchayati verified the fact regarding illicit relationship. The police has examined the maternal grand-son of the victim but he did not allege anything about the petitioner to have committed any overt act and this child was sleeping with his maternal grand mother. The petitioner has been arrested on 17.04.2021 and charge sheet has been submitted in this case. Co-accused Ganga Sah has been granted bail by a Coordinate Bench vide order dated 10.05.2022 passed in Cr. Misc. No. 52659 of 2021.

Learned counsel appearing on behalf of the informant and the learned APP for the State oppose the prayer for bail of the petitioner submitting that there is specific allegation against this petitioner and co-accused that they committed murder of daughter of the informant. Post-mortem report shows that multiple bruises and nail marks on the body of the deceased and cause of death was stated to be due to asphyxia as a result of throttling which shows the daughter of informant was assaulted



by the petitioner and the co-accused. Moreover, the petitioner was present in the house where the occurrence took place and she has to explain the death of her mother-in-law.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the petitioner and considering the lack of substantive material against this petitioner to connect him with the alleged crime and who is in custody for more than a year and submission of charge sheet in this case, the petitioner above named are 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 Sub Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 81 of 2021, 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.

(Arun Kumar Jha, J)

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