

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67570 of 2021**

Arising Out of PS. Case No.-243 Year-2018 Thana- UCHKAGAON District- Gopalganj

Putul Devi, Wife of Keshaw Singh, Resident of Village - Jamsari, P.S.-
Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 02-08-2022 This petition has been taken up for out of turn hearing on mentioning slip being moved on behalf of the petitioner that the petitioner is a lady having two minor children and is in custody for more than a year.

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 Uchkagaon P.S. Case No. 243 of 2018, registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, the petitioner is the second wife of co-accused Keshaw Singh and the allegation is that the petitioner and the co-accused murdered the first wife of



co-accused Keshaw Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There are only general and omnibus allegation against this petitioner and three FIR named co-accused persons. No specific overt act has been attributed to this petitioner. The police did not find the case true against other two accused persons, so whole prosecution case becomes doubtful. There is no eye witness to the alleged occurrence. Merely on suspicion, this petitioner has been made an accused as she is stated to be the second wife of co-accused Keshaw Singh. Nothing came up during investigation of the police except the suspicion shown by the informant. The charge sheet has been submitted in this case and the petitioner is in custody since 22.06.2021.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner and the co-accused and the same has been found true even during investigation. However, learned APP concedes that the post mortem report does not show any knife injury as was alleged in the FIR.

Having regard to the submissions made hereinabove and considering the fact that nothing has come on



record which might be termed as any substantive evidence against this petitioner for the alleged crime and further considering the submission of charge sheet as well as period of custody of the petitioner, she 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 Additional Chief Judicial Magistrate-IX, Gopalganj, in connection with Uchkagaon P.S. Case No. 243 of 2018, 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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