

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68587 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- TANDWA District- Aurangabad

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SANGITA DEVI @ SANGITA KUMARI D/o Mahesh Bhuiyan Resident of
Village - Khushuba Bela, P.s.- Tandwa, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Tandwa P.S. Case No. 34 of 2021, registered for the offence punishable under Sections 364, 302 and 201/34 of the Indian Penal Code.

The case of the prosecution in brief is that the deceased son of the informant and the petitioner were having a love affair and used to talk with each other, however when this came to the notice of the informant he met the father of the petitioner and impressed upon him to



persuade his daughter not to talk to the son of the informant. Later on, the petitioner was married and the son of the informant had gone to earn his livelihood at Hyderabad. It is alleged that the son of the informant had come back to his village on 25.04.2021 & on 17.05.2021, he received a telephonic call from the petitioner whereupon the son of the informant left to the said place but did not return. The informant tried to search out his son but after about six days, the dead body of the son of the informant was found at Thadiwa Pahari. The informant raised a suspicion that due to the alleged love affair between his son and the petitioner, the petitioner and other named accused persons had abducted the son of the informant and committed his murder.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 13.8.2021. The



learned counsel for the petitioner has further submitted that the father of the petitioner and other accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 9.3.2022 passed in Criminal Miscellaneous No. 43950 of 2021 and a bare perusal of the said order dated 9.3.2022 would show that the case diary in question was perused and it was found that there is neither any eye-witness to the alleged occurrence nor any witness has come forward to state that the accused persons including the petitioner herein were seen in the company of the deceased at any point of time. It is also submitted that as far as the petitioner is concerned, she is happily married and living in another village, hence, there was / is no occasion for her to have either contacted the deceased or called him by ringing him on his mobile phone.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, as aforesaid, as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a coordinate Bench of this Court vide order dated 9.3.2022 passed in Criminal Miscellaneous No. 43950 of 2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Tandwa P.S. Case No. 34 of 2021.

(Mohit Kumar Shah, J)

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