

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69665 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- SONBERSA District- Saharsa

Pinki Devi W/o Late Paswan Kumar Singh Resident of Village - Chakbharo
Ward No.6, P.S.- Simri Bakhtiyarpur, Distt.- Saharsa at Present Sonbarsa Raj
Balu Tola Ward No.3, P.s.- Sonbarsa Raj, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 07-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sonbarsa Raj P.S. Case No. 73 of 2021, registered for the

offences punishable under Sections 302 and 34 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the F.I.R.

is that in the night of 14.05.2021, the informant-wife who is

accused-petitioner herein, was sleeping with her husband

and 14 years old son. But in the midnight, there was gun

shots and once they came out from the house, they found

that Fultun Singh, Awal Singh, Santosh Kumar and Vinod



Singh were carrying pistol and started making firing, which hit her husband, causing grievous injury on his head. Thereafter, he was taken to hospital where he was declared dead. It is also alleged that there was previous enmity with said Fultun Singh, on account of Fultun Singh having matrimonial dispute with his wife and wife had filed maintenance case against him and Fultun Singh has doubt that the deceased-husband of the informant was instrumental to get the maintenance case filed against him.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He points out that after investigation, the Police filed charge-sheet against Fultun Singh, finding no case against other named co-accused and started investigating against the informant-wife and subsequently supplementary charge-sheet has been filed against the accused-petitioner and Dilkhush Kumar. He further submits that the police has found the story of the F.I.R., as given by the informant-wife, who is petitioner herein, true and filed charge-sheet against Fultun Singh, but subsequently the Police has filed charge-



sheet against the present accused-petitioner only on the basis of suspicion. He further refers to the statement given by the 14 years son, who was an eye witness to the alleged offence. In his statement, no role of the accused-petitioner has been shown in the alleged offence. He also submits that investigation in this case is complete and charge-sheet has been submitted and even charge has been framed.

The petitioner has been languishing in jail since 12.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the Ld. Counsel for the Informant as well as Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and there is sufficient material against her.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri R. Kumar Ld. VI JM, Saharsa in connection with Sonbarsa Raj P.S. Case No. 73 of 2021 on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing her and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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