

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69899 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- IMAMGANJ District- Gaya

Sarita Devi W/o Rakesh Singh Resident of Village- Pathra, P.S.- Imamganj,
District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46801 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- IMAMGANJ District- Gaya

Amit @ Bablu Singh S/O Ramdeep Singh R/o village- Purshottampur,
Narayanpur, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69899 of 2021)

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

For the Informant : Mr. Anil Kumar Saxena, Advocate

(In CRIMINAL MISCELLANEOUS No. 46801 of 2021)

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

For the Informant : Mr. Anil Kumar Saxena, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-05-2022

CRIMINAL MISCELLANEOUS No. 46801 of 2021

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

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.



Learned counsel for the petitioner submits that the petitioner is in custody since 28.12.2020, charge-sheet has been submitted in the case and has antecedent of two cases.

Learned counsel for the petitioner submits that informant alleges that Aditya Yadav along with two unknown criminals came to his house and shot his mother twice who died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name transpired based on the statement of eye-witness namely Balendra Kumar, it is further submitted that Aditya Yadav is in custody but police for reasons best known to them did not record his statement, as he would have been in a better position to disclose that who were the two unknown accused who accompanied him. The learned counsel further submits that the petitioner came to be arrested as his name was disclosed by an eye-witness and the petitioner in his confessional statement stated that the occurrence was committed by Aditya Yadav as he was having an affair with Sarita Devi, W/o Rakesh Singh and the deceased (Sarita Devi) W/o Abhay Singh and both Abhay Singh and Rakesh Singh were friends and were doing business and as such Sarita Devi apprehended that it was the deceased who disclosed to her



husband about her relationship with Abhay Singh on account of which her husband used to abuse and assault her, further he also disclosed that it was Aditya Yadav who shot the deceased for this reason. It is further submitted that petitioner is not the assailant as, the allegation of killing the deceased is specific and is against Aditya Yadav.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that the petitioner is not the assailant.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into consideration the submission made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Imamganj P.S. Case No. 236 of 2020 with a condition that one of the bailors of the petitioner shall be his father, Ramdeep Singh.

Further, if the learned court below comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, then the learned court below shall forthwith



cancel the bail bonds of the petitioner after recording reasons.

CRIMINAL MISCELLANEOUS No. 69899 of 2021

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

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.09.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that informant alleges that Aditya Yadav along with two unknown criminals came to his house and shot his mother twice who died during the course of treatment.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and her name transpired in the confessional statement of co-accused Amit Singh and from perusal of the confessional statement of Amit Singh as recorded in the case diary, it would manifest that the petitioner was not even involved in the occurrence. Learned counsel further adopts the submissions made by the learned counsel for the petitioner of Criminal Miscellaneous No. 46801 of 2021 (Amit @ Bablu Singh Vs. State of Bihar) to submit that even Amit Singh in his



statement has not disclosed that the petitioner was even aware that such occurrence took place. Learned counsel for the petitioner further submits that co-accused Amit @ Bablu Singh has been granted bail by order dated 16.05.2022 in Criminal Miscellaneous No. 46801 of 2021.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the petitioner is not the assailant nor is alleged to have conspired it.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Imamganj P.S. Case No. 236 of 2020 with a condition that one of the bailors of the petitioner shall be her husband Rakesh Singh.

Further, if the learned court below comes to a conclusion that the petitioner after her release is trying to delay the



trial in any manner, then the learned court below shall forthwith
cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

Gaurav Kumar/-

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