

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70648 of 2021

Arising Out of PS. Case No.-140 Year-2019 Thana- CHANDRAMANDI District- Jamui

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Basanti Devi @ Tetri Devi, Wife of Ajit Singh @ Patan Singh, Resident of
Village- Ghutbe, P.S.- Chandramandi, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Raj, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 09-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Chandramandi P.S. Case No. 140 of 2019
registered for the alleged offences under Section 302 of the
Indiana Penal Code.

As per prosecution case, the daughter of the
informant was married with one Ajit Singh who was already
married with petitioner Basanti Devi. The son-in-law of the
informant met with an accident and started residing at his native
place with both his wives. On the fateful day, informant
received the news that someone has killed his daughter. He later



on came to know that some quarrel took place between his daughter and the petitioner and she killed the daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. There is no eye-witness to the alleged occurrence. Learned counsel further submits that soon after the second marriage, the petitioner was tortured by her husband and was ousted from her matrimonial home and on 04.02.2018 and she filed a complaint case bearing Complaint Case No. 210 of 2018 against her husband Ajit Singh which is pending before the learned Judicial Magistrate, Deoghar. The petitioner had not been residing at her matrimonial home and on the date of occurrence, she was not present there as she had been residing in her parental home. All the independent witnesses are hearsay witnesses. Even the neighbours who were examined during investigation have not stated anything about hearing any sound of hue and cry or struggle taking place. The petitioner is a lady and she is having two minor children who are aged about 5 and 7 years, respectively and there is no female members in her family who can look after them. The petitioner is in custody since 07.05.2021 and the charge-sheet has been submitted in this



case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the husband of the deceased as well as this petitioner stated during investigation that the petitioner was present in his house when the occurrence took place and she might have committed the offence.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and no one has seen the occurrence and the case is based on circumstantial material but there is no substantive material to connect this petitioner with the offence as alleged and further considering the clean antecedent of the petitioner along with her period of custody and submission of charge-sheet, the petitioner above named 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 Judicial Magistrate-1st Class, Jamui in connection with Chandramandi P.S. Case No. 140 of 2019, 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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