

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71395 of 2021

Arising Out of PS. Case No.-85 Year-2015 Thana- SALIMPUR District- Patna

Sinku Devi @ Rinku Devi, Wife of Dheeraj Kumar Rai, Resident of Village - Mekra
Naya Tola, P.S.- Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate Mr. Amit Kumar Singh, Advocate Ms. Kanika, Advocate
For the Opposite Party/s :		Mr.Ram Naresh Ray,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-10-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Salimpur P.S. Case No. 85 of 2015 registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the husband of the petitioner, over some altercation with this petitioner, her sister and her brother-in-law, consumed poison and later on, his dead body was recovered from a well.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The relationship between wife and husband was cordial and there is no material on record to show that the petitioner has killed the deceased. After death of the husband of this petitioner, the family members of the petitioner took a decision that petitioner would solemnize marriage with the younger brother of the deceased and accordingly the petitioner has solemnized marriage with the younger brother of her deceased-husband. She has three children out of this wedlock. Learned counsel further submits that informant has filed protest petition before the learned trial court wherein, he has not assigned any role to this petitioner in death of the brother. It has also nowhere come on record that this petitioner was associated in any way in the death of her husband. Similarly placed co-accused Punam Devi has been granted bail by a Coordinate Bench vide order dated 16.02.2017 passed in Cr. Misc. No. 4573 of 2017. Charge sheet has been submitted in this case and the petitioner is in custody since 31.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no substantive material has come up on record to connect the petitioner with the death of her husband and further considering 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-Ist Class, Barh, Patna in connection with Salimpur P.S. Case No. 85 of 2015, 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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