

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5949 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Shobha Devi W/O Lala Sahani Resident Of Village- Salempur, P.S.- Lalganj,
District- Vaishali.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 04-03-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Hazipur Sadar P.S. Case No. 351 of 2022 lodged under Sections
302, 201/34 of the I.P.C.

As per the prosecution case, the allegation against the
petitioner is that she had illicit relation with her brother-in-law
(*Jija ji*), which was alleged to be protested by the informant's
son. The allegation is that the petitioner along with her relatives
pressed the neck of the deceased husband with rope and thrown
the dead-body.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 16.05.2022 having clean antecedent. Counsel for petitioner submits that deceased was the husband of the petitioner and he was in habit of heavy drink and due to this habit, he had a strange relation with his wife. Petitioner used to reside at her *mayaka* with her three kids. Counsel submits that in the state of heavy drink, her husband entered into another person's house, who made noises, due to which some people gathered and started beating him, which resulted into his death and thereafter, dead body of the petitioner's husband was thrown in Banana Orchard. Counsel further submits that only in the morning, the petitioner and her family member came to know about his death.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the Informant vehemently opposes the prayer for bail and submits that the inquest report, the place of occurrence and the statements are from the witnesses, about which clear indication was made in the order sheet, by which bail petition of the petitioner was rejected, which supports the story of a strong suspicion against the petitioner and therefore, he requests for rejection of the bail

application.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Hazipur Sadar P.S. Case No. 351 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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