

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3283 of 2023

Arising Out of PS. Case No.-179 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Babita Devi, Wife of Mithilesh Sadai, R/O Village- Olipur, P.S.-
Bhairabasthan, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Soban Asghar, Advocate

For the Opposite Party : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Soban Asghar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bhairabasthan P.S. Case No. 179 of 2022
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

It is alleged that on 23.09.2022, the informant came to
know that the dead body of his son is hanging in the house of
one Mithilesh Saday. Thereupon, the informant went there and
found the dead body of his son. It is alleged that the petitioner
had illicit relation with the deceased and it is suspected that she
along with others have caused the death of his son.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is hapless lady and only on account



of the fact that she had allegedly illicit relationship with the deceased, her name has been implicated in this case and save and except the suspicion there is no material suggesting the involvement of the petitioner in the present crime. Further submission has been made that even if the story of love affair is taken to be true, the allegation appears to be improbable that a lady, who was in love with the deceased, will commit such type of crime. He lastly submits that the petitioner, having fair antecedent, is in custody since 25.09.2022 and moreover the charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eye witness to the alleged occurrence, save and except the allegation that the deceased had illicit relationship with the petitioner, there is no other material, coupled with the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Bhairabasthan P.S.



Case No. 179 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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