

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22949 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- VAISHALI District- Vaishali

USHA DEVI W/o- NAND LAL SINGH Village- Gopalpur Po- Purkhauli Ps-
Vaishali Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP
For the Informant/s	:	Mrs. Bela Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 14-07-2023 1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of four weeks from today.
3. The petitioner seeks bail in connection with Vaishali P.S. Case No. 65 of 2022 registered for the offence under Sections 365, 302, 201/34 of the Indian Penal Code.
4. The accused/petitioner is not named in the F.I.R. and is in custody since 21.02.2022.
5. The allegation against the petitioner is to commit murder of son of informant alongwith other co-accused persons/family members, where occurrence arises out of love affairs between deceased/son of informant and daughter of



petitioner, who is also named co-accused of this case, namely, Khusboo Kumari.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was named in this case only on the basis of suspicion as deceased/son of informant alleged to be in love affairs with the daughter of this petitioner, who is also named co-accused in this case. It is submitted that implication of this petitioner is only being mother of the named co-accused Khusboo Kumari. It is also submitted that dead body was recovered from pond, where cause of death could not ascertained upon post-mortem. It is also submitted that merely daughter of petitioner found to talk over telephone with deceased/son of informant on the date of occurrence for substantial period of time, cannot connect this petitioner with present occurrence, being mother. While concluding the argument, it has been submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as save and except suspicion nothing appears



against this petitioner, where implication of petitioner appears, *prima facie*, being mother of named co-accused Khusboo Kumari, who is a lady of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.02.2022, accordingly, above named petitioner is directed to be released on bail in connection with Vaishali P.S. Case No. 65 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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