

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31580 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- BYPASS District- Patna

Swastika Rai @ Soni D/O Late Raj Kumar R/O Sadikpur Durgacharan Lane,
P.S.- Alamganj, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bypass
P.S. Case No. 201/2022 registered for the offence under
Sections 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.05.2022.

The allegation against this petitioner is to commit
murder of brother of informant and further to hang his body
with ceiling fan.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was implicated falsely with present



case out of suspicions, as she was in love affairs with deceased brother of informant and out of love affairs, she occasionally used to visit the house of deceased brother of informant. It is submitted that admittedly informant is not the eye witness of the occurrence. While traveling over the argument, it is pointed out that cause of death is appearing **asphyxia** due to hanging, where the narration as set out in the F.I.R. is suggesting that after committing murder, dead body was hanged with ceiling fan, creating a serious doubt over entire allegations. While concluding the argument it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the allegation is specific against this petitioner as to commit murder of brother of informant.

Considering the facts and circumstances as mentioned above, as save and except suspicion, nothing surfaced during the course of investigation to connect petitioner, *prima facie*, with present occurrence of murder, coupled with the fact that charge-sheet has been submitted, where petitioner is a lady of clean antecedent and is in custody since 22.05.2022, accordingly the



petitioner, above named, is directed to be released on bail in connection with Bypass P.S. Case No. 201/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City at Patna/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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