

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49483 of 2022

Arising Out of PS. Case No.-128 Year-2010 Thana- RAMGARHWA District- East
Champaran

=====

SONI JHA W/o Late Jitendra Jha R/o village- Bhaisra, P.S.- Ramgarhwa,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
26.05.2022 in connection with Ramgarhwa P.S. Case No. 128 of
2010, F.I.R. dated 28.08.2010 registered for the offence
punishable under Sections 364,302,120(B),201,34 of Indian
Penal Code.

The case of the prosecution is that the petitioner Soni
Jha was married to the deceased Jitendra Jha. However, the
deceased not being of a very sound mind, the petitioner entered
into an illicit relationship with co-accused Jagdish Yadav. In
order to get him out of their way, the petitioner alongwith the
co-accused Jagdish Yadav, took the deceased on pretext of



getting him a job in Delhi, after which the victim Jitendra Jha never returned. A complaint case was filed by the informant bearing Complaint Case No. 336 of 2010 wherein he accused the petitioner and the co-accused of having eliminated the victim Jitendra Jha and disposed off his body in order to screen themselves.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case on the basis of suspicion. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 08.07.2010 but the present FIR has been instituted on 19.07.2010. Further submits that except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and there is no eye witness of the alleged occurrence and co-accused person, namely, Jagdish Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.09.2012 passed in Cr.Misc. No.9255 of 2012 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody



since 26.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari, in connection with Ramgarhwa P.S. Case No. 128 of 2010, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

