

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55979 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- DURAULI District- Siwan

Sarita Devi, Wife of Late Upendra Yadav, R/O Village- Goari, P.S.- Darauli,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mrs. Vaishnavi Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Darauli P.S. Case No. 287 of 2021 giving rise to Sessions Trial No. 465 of 2022 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the written report filed by the informant alleging therein that on 29.11.2021 his son left his house in order to go to his *sasural*. After some time,



the informant and other family members came to learn that his son was shot dead by unknown criminals. The informant and his family members rushed to the place of occurrence and found the dead body of his son, thereafter, the body was sent to the Sadar Hospital, post mortem was conducted and later on the FIR has been registered against unknown miscreants.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is none else but the wife of the deceased, whose marriage was solemnized much earlier, having a son and daughter aged about 6 years and 3 years, respectively. She further submits that during the course of investigation one spy has disclosed that the petitioner had illicit relationship with Javed Khan @ Bittu Khan and the deceased might have been killed by co-accused Javed Khan @ Bittu Khan in conspiracy with the petitioner. It is next submitted that during the course of investigation, the statement of the family members were also recorded, but initially no suspicion has been raised, however, after disclosure made by the spy, suspicion has been raised against the petitioner and save and except the suspicion, there is no other material suggesting the complicity of the petitioner. It is next submitted that the petitioner was apprehended from her *sasural* and had there been any guilty mind, she should have



been certainly fled away or went to her *maika* but that has not been done. While concluding her submissions she lastly submitted that the petitioner is a lady, having fair antecedent, is in custody since 06.05.2022 and, moreover, the case has been committed to the Court of Sessions.

On the other hand, learned APP for the State while opposing the prayer for bail has submitted that ample material has come during the course of investigation that the petitioner had in relationship with co-accused Javed Khan @ Bittu Khan, who had earlier also threatened the deceased.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record and the submissions made on behalf of the petitioner, save and except the suspicion, there is no material suggesting the involvement of the petitioner coupled with the fact that the petitioner is a lady and in custody since 06.05.2022, 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 District and Sessions Judge-III, Siwan in connection with Darauli P.S. Case No. 287 of 2021 giving rise to Sessions Trial No. 465 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) She will remain present on each and every date of trial till disposal of the case.

(iii) She 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, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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