

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57845 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- JAMALPUR District- Munger

Rinku Devi @ Sheela Devi W/o Shambhu Kr. Goswami R/o Village/Muhalla-
Dih Jamalpur, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64129 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- JAMALPUR District- Munger

Shobha Devi W/O Late Punit Singh Resident of Mohalla- Sadar Bazar, P.S.-
Jamalpur, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57845 of 2022)

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

For the Informant : Ms. Pallavi Pandey, Advocate

(In CRIMINAL MISCELLANEOUS No. 64129 of 2022)

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

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

For the Informant : Ms. Pallavi Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioners, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

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



Petitioners seek bail in connection with Jamalpur P.S. Case No. 73 of 2022 , F.I.R. dated 06.05.2022 for the offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code.

According to prosecution case, there was illicit relation between the deceased/husband of the informant and one Shobha Devi and she demanded Rs. 5,00,000/- from the deceased. It is further alleged that Shobha Devi abused the informant and her children and threatened her that she will kill the informant and her children.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no allegation of assault or overt act against these petitioners. He further submits that it appears from the F.I.R. that the petitioners were the persons who had carried the husband of the informant to the hospital. He further submits that the husband of the informant was lying in the house of the petitioner no. 2, namely, Shobha Devi. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest that the petitioners were involved in the present occurrence and there is no eye witness of the alleged



occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner no. 1, namely, Rinku Devi @ Sheela is in custody since 05.07.2022 and petitioner no. 2, namely, Shobha Devi is in custody since 03.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor on the basis of the material available on record and the case diary have vehemently opposed the prayer for bail of the petitioners but fairly submits that except the suspicion, no other cogent material has come during investigation to suggest that the petitioners were involved in the present occurrence.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 73 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence



on two consecutive dates without sufficient reason,
their bail bond shall be cancelled by the Court below.

2. If the petitioners 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
petitioners and in case at any stage it is found that the
petitioners have concealed their criminal antecedent,
the court below shall take step for cancellation of bail
bond of the petitioners. 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)

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