

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60096 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- UDAKISHUNGANJ District- Madhepura

Lamain Devi @ Lalmen Devi aged about 50 years, Female Wife of Yogendra Rishideo, Resident of village Laxmipur, Ward No. 21, P.S. Udakishunganj, District Madhepura

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with S.T. No. 261/23 arising out of Udakishunganj P.S. Case No. 25 of 2023 registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 29.01.2023.

4. The allegation against the petitioner is to commit murder of son of informant along with other seven named co-accused persons out of previous threat given by co-accused persons including this petitioner, where dead body of son of informant was found hanging with a tree.



5. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire implication appears to be based upon suspicion out of previous threat as advanced by co-accused including this petitioner, which is appearing from the bare perusal or the narration of F.I.R. itself. It is submitted that out of local dispute and differences petitioner, who is a lady of clean antecedent, was falsely implicated with present case. It is further submitted that nothing incriminating surfaced during the course of investigation as to suggest involvement of petitioner with present occurrence except suspicion of informant, as submitted. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of fact as save and except suspicion arises out of previous threat, nothing incriminating surfaced as to suggest, *prima facie*, involvement of petitioner with crime in question, where petitioner is a lady of clean



antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with S.T. No. 261/23 arising out of Udakishunganj P.S. Case No. 25 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the Court of learned Additional Sessions Judge-III, Madhepura/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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