

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57678 of 2022

Arising Out of PS. Case No.-109 Year-2020 Thana- ALAMNAGAR District- Madhepura

Dhaniya Devi, W/o- Rajesh Rishidev R/o Village- Khawan, Ward no- 4, P.S.-
Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 109 of 2020 registered for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code.

As per prosecution case, husband of the informant was murdered by the co-accused persons by stabbing him and the body was burnt with the help of acid. The name of the petitioner surfaced during investigation for being involved in the occurrence.

Learned counsel for the petitioner submits that the petitioner is a lady and she is innocent and has been falsely implicated in this case. There is no eye-witness to the alleged



occurrence and from the F.I.R. it appears that there is land dispute between the parties. The petitioner was named by the son of the deceased claiming himself to be an eye-witness but it is also apparent that he is not an eye-witness otherwise, he would have got registered the F.I.R. and named the petitioner at the first instance. Other co-accused persons have been granted bail vide orders dated 22.03.2021, 28.02.2022 and 08.12.2022 passed in Cr. Misc. No. 4341 of 2021, Cr. Misc. No. 67267 of 2021 and Cr. Misc. No. 44499 of 2022, respectively by different Coordinate Benches. Charge sheet has been submitted in this case and the petitioner is in custody since 30.08.2021. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting the name of the petitioner surfaced during investigation as one of the accused persons who was also involved in the murder of the husband of the informant.

Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering her period of custody and submission of charge-



sheet against her, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class Udakishunganj, in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 109 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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