

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61472 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- SAHPUR District- Patna

NILU DEVI WIFE OF LATE RANJAY SINGH R/O ROAD NO.1,
SARVODAY NAGAR, GOLA ROAD, P.S.- SHAHPUR, DANAPUR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rahul Kumar, Adv.
For the Opposite Party/s :	Mr.Bharat Lal, APP
For the Informant :	Mr. Santosh Kumar Singh, Adv.
	Ms. Binny Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-02-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel appearing for the informant.

The petitioner seeks regular bail in connection with Shahpur P.S. Case No. 43 of 2022, registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation, according to the informant, is that on 31.02.2022, his father along with one Devendra Rai had gone out of the house at about 1:30 pm, however, when they did not return in the night, the informant and other family



members had made a search in the morning and subsequently, the dead bodies of the father of the informant and his friend namely Devendra Rai were found. It is also alleged that the occurrence in question took place on account of land dispute and in the occurrence, the petitioner herein, who is aunt of the informant, her daughter, namely, Bittu Kumari and the co-accused persons are involved. It is also alleged that on 31.1.2022 at 5:00 pm., the father of the informant and Devendra Rai had accompanied the co-accused persons, namely, Bilendra Saw and Pakaj Rai on their bike, which was disclosed by the aunt of the informant and villagers. It is next alleged that earlier also, the petitioner and her daughter with a view to grab the land had taken help of the co-accused persons and had threatened the father of the informant that he would be shot dead in case he does not transfer the land in question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she



is having a clean antecedent and she is languishing in custody since 21.5.2022. It is further submitted that there is no eye-witness to the alleged occurrence and even the informant has not alleged any overt act qua the petitioner herein. It is also submitted that there is no evidence on record to show that the petitioner has hatched a conspiracy in order to kill the deceased persons. Lastly, it is submitted that one co-accused person, namely, Dhananjay Singh @ Dhananjay Kumar @ Dhiranjay Kumar, has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, vide order dated 28.6.2022 passed in Criminal Miscellaneous No. 27202 of 2022 and one similarly situated co-accused person, namely, Santosh Kumar @ Santosh Rai has been granted bail by this Court, vide order dated 16.1.2023 passed in Criminal Miscellaneous No. 59975 of 2022.

Per contra, the learned APP for the State and the learned counsel appearing for the informant



have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have engaged in any sort of overt act, she is having a clean antecedent and there is no eye-witness to the alleged occurrence as also considering the parity of the case of the petitioner with that of the co-accused person who has been granted the privilege of anticipatory bail, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur in connection with Shahpur



P.S. case no. 43 of 2022.

(Mohit Kumar Shah, J)

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