

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63528 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

Radhika Devi Wife of Rajan Sah @ Rajan Shah R/V- Naya Tola Tard Bairiya,
Ward No. 10, P.S- Bairaiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Narkatiyaganj Rail P.S. Case No. 10 of 2021 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

As per the prosecution, the informant (petitioner) alleged that the FIR named accused persons killed the informant's son over his illicit relationship with one namely Rekha Devi.

The main submissions advanced by learned counsel for

petitioner are that the petitioner is a woman and she is informant of the present matter and she lodged the FIR of the instant matter in connection with the murder of her own son and except suspicion there is no material against the petitioner to connect her to the alleged occurrence of murder and from the possession of this petitioner nothing incriminating was recovered and similarly situated another co-accused person Birjesh Sah carrying more serious allegation than the petitioner has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 64952 of 2021 and as per the prosecution the said co-accused Birjesh Sah and other co-accused persons committed the murder of the victim in following with the conspiracy hatched up by this petitioner with them but petitioner's direct role in the commission of the alleged murder was not found. Further submission is that the petitioner has been languishing in jail since 12.07.2022.

Learned APP for the State has vehemently opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's custody period and also the facts that the petitioner is a woman and one co-accused named above carrying similar nature of allegation is on bail and in respect of

petitioner’s involvement in the alleged crime the prosecution is mainly relying upon the communication of the victim with co-accused persons and this petitioner at the relevant time of alleged occurrence and there is no direct evidence to show the petitioner’s involvement in the alleged crime and in the present case the petitioner’s own son was murdered, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Narkatiyaganj Rail P.S. Case No. 10 of 2021.

(Shailendra Singh, J)

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