

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71123 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- RAJGIR District- Nalanda

SHARIFA DEVI W/o- INDAL RAJNBANSHI Village- Gopalnagar Hariya
Ps- nardiganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rajgir P.S. Case No. 197 of 2023 dated 15.4.2023 registered for the offence punishable under Sections 302, 201 and 120-B/34 of the Indian Penal Code.

3. As per prosecution case, the husband of the informant was murdered by the petitioner and other co-accused persons in the background of deceased having illicit relationship with this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The informant is not an eye witness and there is no eye witness to the alleged occurrence. The petitioner has been



named in this case merely on suspicion and there is no substantive material against the petitioner to show her involvement. It is not even a case of circumstantial evidence. Learned counsel further submits that the prosecution story is highly doubtful and if there was illicit relationship between the petitioner and deceased for the last three years, it is surprising that the informant, wife of the deceased, did not take any action against her husband or the petitioner. This allegation also shows that petitioner might have been falsely implicated in this case due to personal grudge. Petitioner is in custody since 17th of April, 2023 and charge sheet has been submitted. The petitioner has got clean antecedent.

5. Learned APP vehemently opposes the prayer for bail and submits that the petitioner has been named in the First Information Report along with her husband and son for committing murder of the husband of the informant under a conspiracy.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and there being no substantial material to connect her in the manner as alleged and further considering the clean antecedent and period of custody as well



as submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection Rajgir P.S. Case No. 197 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(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 court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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