

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68082 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- HISUWA District- Nawada

Rina Devi Wife of Late Krishna Rajbanshi Resident of Village- Jhikarua, P.S.-
Narhat, District- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Devendra Prasad Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Hisua P.S. Case No. 303 of 2022, registered for
the offences punishable under Sections 302/34 of the Indian
Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that on 23.05.2022 the son of the
informant had gone to attend fair, however, he did not return. It
is further alleged that on the mobile of his son, repeatedly calls
were coming from two mobile numbers and on suspicion, FIR
has been instituted against the holder of those mobile numbers.

Learned counsel appearing on behalf of the petitioner



submits that admittedly the son of the informant found traceless since 23.05.2022, however, the FIR has been instituted belatedly on 30.05.2022. During the course of investigation, it has come that the two mobile numbers belong to Mahesh Ram and one Rahila Devi. During investigation, it has been found that one Priti Kumari, who was in love with the deceased had talk with the deceased by taking the mobile of Rahila Devi. The statement of Priti Kumari was recorded by the police, she stated that she was in love with the deceased and on the alleged date of occurrence the deceased had come to her house, where the family members of said Priti Kumari assaulted him by means of iron rod resulting into his death. He further submits that there is no eyewitness to the alleged occurrence, moreover, the petitioner being the mother of Priti Kumari, her name has been implicated in this case, and now she is in custody since 16.09.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that ample materials have come during the course of investigation suggesting the involvement of the petitioner that all the family members of the petitioner with a common intention killed the son of the informant.



Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner being a lady and there is no cogent material suggesting the complicity of the petitioner, coupled with the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Nawada in connection with Hisua P.S. Case No. 303 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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