

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69873 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- SINGHESHWAR District- Madhepura

Maliya Devi Wife of Gunsagar Sharma Resident of Village - Kataiya, Ward
No.06, P.S. - Sigheshwar, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Singheshwar P.S. Case No. 131 of 2023, registered on 16.05.2023 for the alleged offence under Sections 302 and 201/34 of the Indian Penal Code.

3. As per prosecution case, dead body of the husband of the informant was recovered and the informant showed her suspicion that co-accused persons murdered her husband due to some previous altercation which took place between the husband of the informant and the husband of the petitioner. The



name of the petitioner surfaced in the confessional statement of co-accused Lambu Sharma @ Rishu Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. FIR has been lodged after delay of one day for which there is no satisfactory explanation. There is no eye witness to the occurrence and informant has falsely implicated the husband of the petitioner and other co-accused persons. Even in the FIR the name of the petitioner is not mentioned. Moreover, the apprehension of the informant is based on her suspicion that previously some altercation took place between the deceased and the co-accused Gunsagar Sharma and for this reason he might have killed her husband. From the description of the dead body in the FIR it appears that the deceased got electrocuted and died due to the electric shock. Even postmortem shows the cause of death to be asphyxia due to smothering and shock due to ante-mortem injury. The petitioner is a lady and has got no criminal history. The petitioner is in custody since 17.05.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner submitting that the name of the petitioner came up during investigation for being involved in the



murder of husband of the informant.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of any substantive material against the petitioner to connect her with the offence as alleged, period of custody of the petitioner and 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 Judicial Magistrate, Ist Class, Madhepura/concerned court in connection with Singheshwar P.S. Case No. 131 of 2023, 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 bonds of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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