

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70278 of 2022**

Arising Out of PS. Case No.-698 Year-2022 Thana- SHERGHATI District- Gaya

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RANI KUMARI @ RANI KUMAR D/o Mr. Bipin Singh R/v- Gopalpur,
P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Ranjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the informant	:	Mr. Yogeshchandra Verma, Senior Advocate Ms. Priyanka Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sherghati P.S. Case No. 698 of 2022 registered for the offence under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is not named in the FIR and she is on provisional bail vide order dated 21.12.2022 passed by one of the learned co-ordinate Bench of this Court, which was granted to enable petitioner to join her service of Bihar State



Cooperative Milk Producers Federation, Sahabad *Dugdh Utpadak Sahakari Sangh* Ltd., Ara as a Procurement Assistant. Prior to her provisional bail, petitioner was in custody since 10.08.2022.

The allegation against the petitioner is to commit murder of the brother of informant along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced during course of investigation, when first time, wife of the deceased raised suspicion in para 22 of the case diary. It is submitted that wife of deceased alleged during course of investigation by raising suspicion that as petitioner developed some illicit relation with her husband while appointed as tutor for their children, she may be author of the crime in question. It is also submitted that on the basis of suspicion as raised by wife of the deceased, the petitioner was apprehended, where her confessional statement was recorded and the maximum incriminating circumstance out of the said confession is recovery of one mobile phone, alleged to be of deceased, without having any description was made from a paddy field near to place of occurrence. It is submitted by learned senior counsel that the said recovered mobile is



without any details and specific description as IMEI so as to connect the petitioner with allegation. It is also pointed out that merely on the basis of recovery of a mobile the petitioner cannot be connected with present allegation, which is admissible to the extent as provisioned under Section 27 of the Indian Evidence Act. It is submitted that petitioner never alleged to misuse the privilege of provisional bail as granted vide order dated 21.12.2022 by one of the learned co-ordinate Bench of this Court. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Hence, it is prayed that provisional bail granted to the petitioner be confirmed.

Heard learned APP appearing on behalf of the State and learned senior counsel Sri Yogesh Chandra Verma appearing on behalf of the informant.

It is submitted by Mr. Verma that in furtherance of confession of this petitioner, mobile of deceased was recovered from a paddy field.

Considering the facts and circumstances as mentioned



above, as petitioner is a lady of clean antecedent, who is on provisional bail having no allegation of misuse accordingly her provisional bail as granted by a learned co-ordinate Bench of this Court vide order dated 21.12.2022 is hereby confirmed with same bail bond and sureties.

(Chandra Shekhar Jha, J)

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