

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43850 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- BARURAJ District- Muzaffarpur

Tetari Devi Wife of Ramkishore Mahto R/O Village- Bangra Firoj, Police
Station- Baruraj District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-09-2024 Heard the parties.

2.The petitioner is not named in the F.I.R. and apprehending her arrest in connection with Baruraj P.S. Case No. 58 of 2022 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

3. The allegation against petitioner is to commit murder of her own daughter along with other co-accused persons after kidnapping her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner is the informant of this case. During the course of investigation one co-accused, namely, Asharfi Sah was arrested and on the basis of his confessional statement the name of



this petitioner was transpired. It is submitted that in furtherance of said suspicion arising out of confessional statement of co-accused, namely, Asharfi Sah, nothing incriminating appeared/surfaced during the investigation till now as to connect the petitioner with present occurrence of kidnapping and murder. It is further submitted that said co-accused Asharfi Sah, has been granted regular bail by one of the co-ordinate Bench of this Court through Cr. Misc. No. 61227 of 2022 vide order dated 31.01.2023. It is also submitted that in last two and half years of investigation nothing incriminating appeared/surfaced during the investigation against this petitioner, save and except the confessional statement of co-accused Asharfi Sah. While concluding arguments, it is submitted that petitioner is a lady of clean antecedent.

5. Learned APP, opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as save and except the confessional statement of co-accused nothing incriminating appears



against this petitioner as to connect *prima-facie* with present occurrence, where petitioner was the informant of this case and also a lady of clean antecedent, accordingly, in the event of her arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class (West), court no.-5, Muzaffarpur /concerned Court, where the case is pending in connection with Baruraj P.S. Case No. 58 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

7. Present of I.O. is dispensed with.

(Chandra Shekhar Jha, J)

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