

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49617 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Urmila Devi Wife of Ajay Mehtar Village- Selator, Ps- Nathnagar, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with S.T No. 899 of 2023 arising out of Nathnagar P.S. Case No. 587 of 2023 instituted for the offences under Sections 302, 201, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged date and time, someone informed the informant that the dead body of his brother was lying at CTS Campus, Nathnagar. On the basis of the aforesaid information, the informant rushed to the place of occurrence and found that his brother was done to death after cutting his neck.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case during investigation on the basis of her self-confessional statement recorded before the police. Learned counsel further submitted that there is no eye-witness to the occurrence. Learned counsel further submitted that one *dabiya* has been recovered from the house of the petitioner but he further contended that *dabiya* is commonly found in every house and the same cannot be regarded as evidence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.08.2023 and has no criminal antecedent. Learned counsel further submitted that charge-sheet has been submitted and charge has already been framed against the petitioner. Learned counsel further submitted that petitioner is lady and may be enlarged on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that petitioner in her statement has specifically narrated the manner in which her husband committed the murder of the informant's brother and she has also stated her active participation in the alleged occurrence.



Learned counsel further submitted that on the basis of petitioner's statement (para-39 of the case diary), *dabiya*, i.e. the weapon which was used to commit the murder of the informant's brother, has also been recovered. Learned counsel, therefore, urged that petitioner may not be enlarged on bail.

6. Considering the aforesaid facts and circumstances of the case, petitioner being lady having no specific allegation as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T No. 899 of 2023 arising out of Nathnagar P.S. Case No. 587 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

