

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51322 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- CHAKIA District- East Champaran

Nibha Devi, Wife of Late Hemraj Kumar, R/o Village-Hitalpur Chawani Tola,
P.S.- Chakiya, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Harendra Prasad, learned A.P.P. for the

State.

2. Petitioner seeks bail in connection with Chakiya

P.S. Case No. 31 of 2024 registered for the offences under

Sections 302, 120(B) of the Indian Penal Code.

3. The petitioner is not named in the First

Information Report and is in custody since 02.02.2024.

4. Allegation against the petitioner is to commit

murder of son of the informant along with other unknown

co-accused persons, where the deceased son of the

informant went away from home after receiving a phone call

which came to the mobile number of the petitioner bearing



no. 9122764303 on 29.01.2024. The dead body of son of informant was found on 30.01.2024 in a wheat field near Shitalpur Nardarwa Canal.

5. It is submitted by learned counsel appearing on behalf of the petitioner that no one is the eye witness of the occurrence and entire implication is based on the basis of suspicion. It is submitted that even the mobile number not appears to be disclosed from where the call was made to this petitioner. It is submitted that it is not even the case of last seen. Learned counsel further submitted that during the course of investigation, the suspicion was raised that the petitioner was in illicit relation with co-accused Rajan Kumar and, therefore, under conspiracy, she committed the murder of son of the informant. It is pointed out that on the basis of aforesaid suspicion, the confessional statement of co-accused Rajan Kumar was recorded, in furtherance of which, no incriminating material was recovered/surfaced during the course of investigation as to connect the petitioner *prima facie* with the present crime in question. It is also pointed out by the learned counsel that the blood-stained helmet,



sandal and brick piece were recovered on 30.01.2024, whereas the confessional statement of the co-accused was recorded on 31.01.2021 and as such, it can be safely said that the recovery in issue was not in furtherance of the confessional statement of the petitioner. While concluding argument, learned counsel submitted that petitioner is a lady of clean antecedent, and moreover, investigation of this case is already completed, and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. In view of the aforesaid factual submission and by taking note of the fact that save and except suspicion arises out of mobile call and confessional statement of co-accused Rajan Kumar, no incriminating material *prima-facie* appears to be recovered/surfaced during investigation as to connect *prima facie* this petitioner with present crime in question, coupled with the fact that petitioner is a lady of clean antecedent, who is in custody since 02.02.2024, accordingly, above-named petitioner is directed to be



released on bail in connection with Chakiya P.S. Case No. 31 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the condition as laid down under Section 437 (3) Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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