

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54034 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- SITAMARHI District- Sitamarhi

Rinki Devi, W/o Sanjeev @ Sanjeev Kumar, Resident of Mela Road, Ward no. 13, P.S.- Sitamarhi District-Sitamarhi

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Satendra Narayan Singh, APP
For the Informant : Mr. Sangeet Deokuliar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Ashhar Mustafa, learned counsel for the petitioner and Mr. Satendra Narayan Singh, learned Additional Public Prosecutor for the State. The informant appears through Mr. Sangeet Deokuliar, learned counsel.

2. The petitioner seeks regular bail, who is in custody in connection with Sitamarhi P.S. Case No. 228 of 2024 initially registered for the offence punishable under Section 364 of the Indian Penal Code and later on Sections 302 and 201 I.P.C. was added.

3. While the husband and elder son of the informant had gone to Patna for some work, her younger sons, namely, Ashish and Akash told her that accused Sanjeev, Suraj and other men of Dr. Ajay Kumar called them to talk and they are going to



Ghora Sahan station. It is further alleged that both the sons have made video call and told the informant that they are in their house at about 02:55 and 03:05 hours. Repeated calls were made through different mobiles. The sons of the informant further sent the photographs of illegal trespassers and the child who were residing in the house without agreement and rent. It is further alleged that while the sons of the informant were in the house in question, in the meantime, all the accused persons named in the FIR along with the petitioner came there and locked the gate of the house. After sometime the mobile phones of her sons were found switch off. Suspecting the foul play, the FIR has been instituted under Section 364 of the I.P.C. and subsequently Section 302 of the I.P.C. was added when the dead body of both the sons of the informant were recovered.

4. Learned counsel for the petitioner, referring to the FIR contended that even after the allegation taken to be true, the only allegation against the petitioner is of putting a lock on the gate along with other accused persons. The informant is not an eyewitness to the alleged occurrence, however, during the course of investigation, some of the persons have disclosed that while the other persons were assaulting the sons of the informant, the petitioner was also present there. The entire case



has been instituted in the premise of long-standing land dispute between the parties. During the course of investigation, the statement of the witnesses have been recorded, wherein they have supported the prosecution case but only to the extent of the presence of the petitioner with other accused persons while putting a lock on the gate. Drawing the attention of this Court to the materials available on record, it is further contended that the daughter of the petitioner Sidhi Kumari has been accorded regular bail by the learned Sessions Judge, Sitamarhi in B.P. No. 694 of 2024. Now, the petitioner has been incarcerated since 04.04.2024 having fair antecedent. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted. The case of the petitioner is based on parity, is the contention of learned counsel for the petitioner

5. On the other hand, learned counsel for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that apart from the heinous murder of both the sons of the informant, the complicity of the petitioner in the present crime cannot be denied, as she being wife of co-accused Sanjeev Kumar was all along actively participated in the crime and this fact has also been disclosed by the co-accused persons in their confessional statement(s). It is



also contended that one of the eyewitnesses to the alleged occurrence, whose statement was recorded by the police, has categorically stated that while the other accused persons were assaulting the sons of the informant, the petitioner was also present there and, as such, the petitioner does not deserve the privilege of bail.

6. At this juncture, learned counsel for the petitioner submitted that the independent witness, namely, Raju Kumar on whose statement reliance has been placed by learned counsel for the informant as well as learned counsel for the informant, his statement was also recorded by the police on the date of the occurrence but he has not whispered about this fact as stated hereinabove but later on his exaggerated version has been recorded after a month or two.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based on parity and on similar allegations and the materials, co-accused Sidhi Kumari has been granted bail by the court below itself; there is no eyewitness to the alleged occurrence of causing death of the sons of the informant and the entire case is based on circumstantial evidence, moreover the petitioner is a lady having fair antecedent, apart from the period



of custody and the investigation being complete, let the petitioner, named above, 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 learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 228 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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