

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56410 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Renu Devi Wife Of Late Shashi Bhushan Singh Village- Jagdavan Chhapra,
Ps- Kathaiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. Application for grant of bail to the petitioner, who is in custody in connection with Kathaiya P.S. Case No.100 of 2024 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the marriage of the elder sister of the informant was solemnized with Balmiki Singh ten years ago. For the purposes of earning, the husband of the sister of the informant used to reside in Pune. On 10.05.2024 at about 8PM, allegedly all the FIR named accused persons including the petitioner assaulted the sister of the informant leading to her death.

4. Learned Advocate for the petitioner contended that



admittedly the informant is not an eye-witness to the alleged occurrence and only because of the fact that there was a dispute with regard to partition of the land the name of all the family members including the petitioner, has been implicated. The petitioners is none else but the sister-in-law of the deceased. Even as per the narratives made in the FIR, omnibus nature of allegations have been levelled against all the family members. Moreover, the post mortem report suggest one injury over the back side of the head. It is also the contention of the petitioner that the police has apprehended the petitioner from her house and as such this is not a case where she had left the house and was absconding from the course of law. Drawing the attention of the impugned order, learned Advocate for the petitioner contended that the witnesses in Paragraph Nos.56 and 57 of the case diary have not supported the prosecution case to the extent whereby allegation has been levelled against the petitioner that she has also assaulted the deceased. The incidence has taken place on account of unfortunate mishappening. Be that as it may, the petitioner is a lady who has been incarcerated since 12.05.2024.

5. On the other hand, learned APP for the State opposes the bail application, however, he did not refute that



omnibus nature of allegation has been levelled against all the family members, despite the fact that the informant is not an eye-witness.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioner is a lady having fair antecedent coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Kathaiya P.S. Case No.100 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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