

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59761 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- JANDAHA District- Vaishali

Puja Kumari Wife of Devendra Singh @ Tuntun Singh Village- Arniya W.No-11, PS- Jandaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP
For the Informant : Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard the learned Advocate for the petitioner, learned Advocate for the informant and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Jandaha P.S. Case No. 116 of 2024, registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the younger son of the informant, aged about eight years, was found traceless since morning and despite every efforts when his whereabouts would not be traced, the FIR has been instituted apprehending the involvement of FIR named accused persons, on account of land dispute and threatening meted to the informant prior to the occurrence.



4. Learned Advocate for the petitioner contended that the FIR has been instituted against four named accused persons, against whom there was a land dispute. However, during the course of investigation, the police apprehended one “Satish Kumar @ Lolu” and thereafter, on whose disclosure, the police apprehended the petitioner and her husband “Devendra Singh”. On the confession made by “Devendra Singh”, the dead body of the boy was recovered. Learned Advocate for the petitioner further contended that so far the petitioner is concerned, apart from she being sister-in-law of the informant, there is a dispute between both the families and though her confession has been recorded before the police, but the same is hit by Section 25/26 of the Indian Evidence Act. Moreover, it is the confession of “Devendra Singh”, which led to recovery of the dead body of the eight years son of the informant. It is lastly contended that, be that as it may, the petitioner is a lady and has been incarcerated since 27.04.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State as well as the informant vehemently opposes the bail application and drawing the attention of the confessional statement of co-accused “Devendra Singh” submitted that he specifically



disclosed before the police that the petitioner has actively participated in commission of the crime, causing death of son of the informant. The offence is quite heinous and the petitioner does not deserve bail, irrespective of the fact that she is a lady.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on the confessional statement. Only the part of the confession, which led to recovery is admissible under the law and that is against co-accused “Devendra Singh” and “Satish Kumar”. So far the petitioner is concerned, she is a lady, having fair antecedent and there is a dispute between both the families. Moreover, 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. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 116 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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