

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60417 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- HARSIDHI District- East Champaran

1. Neha Kumari, W/O Shio Pujan Kumar, R/O Village- Gayahat Dobhi Tola, P.S- Harsidhi, Distt.- East Champaran.
2. Shio Pujan Kumar, S/O Sita Ram Singh, R/O Village- Gayahat Dobhi Tola, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Mr. Sharda Nand Mishra, learned Advocate for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Harsidhi P.S. Case No. 293 of 2024 registered for the offences punishable under Sections 302/201 of the Indian Penal Code.

3. Allegedly the informant received an information that a dead body was lying near Barai Ghat at Dhanauti river, whereupon he rushed to the place of occurrence and found the dead body of his son and bolero vehicle, which was parked near the said river. The informant suspected that some unknown miscreants have committed murder of his son by throttling his



neck.

4. Learned Advocate for the petitioner contended that neither the petitioners are named in the F.I.R. nor even suspicion has been raised against them. However, during the course of investigation it has come that the deceased had developed relationship with petitioner no.1 and on knowing this fact the petitioner no.2, who happens to be her husband, with his nephew conspired together to kill the deceased. Accordingly, all the persons, in collusion with each other, committed this crime. Learned Advocate for the petitioner further contended that save and except the suspicion and the confessional statement, there is no material suggesting the complicity of the petitioners in the crime. There is no independent witness, who remotely suggests that the petitioners were seen near the place of occurrence; now the investigation of the crime is complete and charge-sheet has been submitted. The petitioners have been incarceration since 28.05.2024.

5. On the other hand, learned APP for the State drawing the attention of this Court to the seizure list submits that the seizure list depicts that an Iron Dabia, containing some blood stain, has been recovered from the house of the petitioners. It is further contended that the post-mortem report



suggests that the cause of death is asphyxia due to strangulation, but one chopped injury has also been found on the left wrist joint.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner no.1 is a lady and the materials collected during the course of investigation only suggests that she had relationship with the deceased, which infuriated her husband and nephew to cause the death of the deceased, **let the petitioner no.1, namely, Neha Kumari**, 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 Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 293 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 be liable to be cancelled.

7. So far as the **petitioner no.2 (Shio Pujan Kumar)** is concerned, this Court is not acceded to his prayer and accordingly the prayer for grant of bail stands rejected, for the present.

(Harish Kumar, J)

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