

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73585 of 2023**

Arising Out of PS. Case No.-237 Year-2023 Thana- SAUR BAZAR District- Saharsa

GITA DEVI @ MOSMAT GITA DEVI W/o Late Khokho Sharma @ Khokha
Sharma R/o vill - Gamaharia, Hatta Tola, ward no. 8, P.S. - Sour Bazar
(Bajjnath O.P.), Distt. - Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Buddhi Lal Yadav

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sour
Bazar P.S. Case No. 237 of 2023 registered for the offences
punishable under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, on 01.05.2023 at about
08:00 AM informant got telephonic information that his
daughter has been concertedly killed by the petitioner and others
for demand of rupees one lakh. It is further alleged that when
the informant enquired from his son-in-law on phone, he told
that informant's daughter crushed herself after being dashed
from battery train whereas her dead body was recovered from
the house of accused person.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner being mother-in-law of the deceased has been falsely implicated in this case on account of suspicion. Petitioner is residing separately from the deceased and her family. Petitioner being lady has no say in the family affairs of the deceased. He further submits that during course of investigation, it is found that husband of the deceased has love affair with other lady and on account of said reason, the victim committed suicide. Petitioner is in custody since 01.05.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that husband of the deceased is in jail custody.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Saharsa in connection with Sour Bazar P.S. Case No. 237 of 2023 corresponding to Sessions Trial No. 278 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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