

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76389 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- RAGHOPUR District- Vaishali

Rekha Devi W/O Late Jitendra Kumar Resident of Village- Rustampur, Police
Station Raghapur (Rustampur O.P.), District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-12-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Raghapur
(Rustampur O.P.) P.S. Case No. 299 of 2023 registered for
the offences under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act. She has no criminal
antecedent as stated in paragraph '3' of the application.

3. The petitioner is named in the First Information
Report and is in custody since 05.01.2024.

4. As per case of the prosecution, petitioner was the
informant of this case, but during the course of investigation
out of confessional statement of co-accused Rahul Kumar,
she was made accused in this case and police submitted



charge-sheet against her.

5. It is submitted by learned counsel appearing on behalf of the petitioner that save and except confessional statement of co-accused, nothing appears against the petitioner and out of oblique motive, co-accused, in his confessional statement, has taken her name. It is pointed out that even as per confession, petitioner was not appears present at the place of occurrence and due to previous differences out of telephonic conversation, she was named through confessional statement.

6. While concluding argument, it is submitted that petitioner has got no criminal antecedent and, moreover, investigation of this case is completed for which charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as the name of petitioner surfaced due to suspicion arising out of



confessional statement of co-accused Rahul Kumar, where nothing appears incriminating against the petitioner, who was initially informant of the case and she remains in custody since 05.01.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – IX, Vaishali at Hajipur/ concerned court, in connection with Raghapur (Rustampur O.P.) P.S. Case No. 299 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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