

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82355 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- PATNA GRP CASE District- Patna

Lovely Kumari @ Lovely Devi, wife of Late Ajay Paswan @ Ajay Kumar,
resident of village- Chandpur Bela, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mrs.Pushpa Sinha, APP
For the Informant	:	Mr. Jay Karan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Patna GRP P.S. Case No. 403 of 2024, registered for the alleged offences under Sections 341, 323, 306, 504/34 of the Indian Penal Code.

3. As per prosecution case, the brother of the informant committed suicide by throwing himself under a running train and the allegation against the petitioner, who is the wife of the deceased, and other co-accused persons, is that they instigated him for taking the extreme step.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is the wife of the deceased and the informant is own brother of the deceased. But the informant has nowhere mentioned how he came to know about the suicide committed by his brother. During investigation, the independent witnesses have been examined and they stated about the cordial relationship between the petitioner and her husband and none of them stated anything about any discord between the deceased and the petitioner and they had been living a happy life. Rather there has been dispute between the deceased and his family members and call details report also shows that the deceased talked with his brother more than two hours before the occurrence. The learned counsel further submits that in fact the petitioner and her other family members have been made accused only to grab the ancestral property and for not giving share to the petitioner. Apart from that, no ingredients of offence under Section 306 IPC is present in the instant case. The petitioner is in custody since 28.06.2024 and the charge sheet has been submitted. The petitioner is a lady and having clean antecedent.

5. Learned APP as well as learned counsel for the informant oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that there is



specific allegation against the petitioner and her family members for abusing, humiliating and assaulting the deceased brother of the informant, who committed suicide due to their cruel behaviour.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and lack of substantive material to connect the petitioner with the offence as alleged and also considering the period of custody of the petitioner and submission of charge sheet along with her clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Patna, in connection with GRP P.S. Case No. 403 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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