

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51255 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- BODHGAYA District- Gaya

Suman Kumari W/o - Deepak Kumar R/o vill - Nawadih, P.S.- Dobhi, Distt.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr.Praveen Kumar, Advocate
For the State : Mr.Shyam Kumar Singh, APP
For the Informant : Mr. Dharendra Kumar Sinha, Advocate
Mr. Yashpal Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2025 Heard learned senior counsel for the petitioner and

learned APP for the State as well as learned counsel appearing

on behalf of the informant.

2. In the present case, the petitioner seeks bail in
connection with Bodh Gaya P.S. Case No. 104 of 2025
registered for the alleged offences under Section 140(3) of
B.N.S.

3. As per prosecution case, the married sister of the
informant went missing while she went to attend
coaching classes and later on, a dead body stated to be that of
victim was recovered and the name of the petitioner
transpired for also being involved in killing the sister of the
informant.



4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged against unknown and the informant has not named this petitioner for being involved in the missing of his sister. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused as well as confessional statement of the petitioner herself. The petitioner is sister-in-law of the husband of the deceased. The other co-accused persons are already in custody. The petitioner was pregnant at the time of her arrest and she is in custody since 27.03.2025 with new born. She is having clean antecedent. Learned senior counsel further submits that even if the confessional statement is taken into consideration, the only allegation against the petitioner is that she accompanied other co-accused persons when they took away the sister of the informant with them and shot her dead. That does not show the petitioner was involved. Learned senior counsel further submits that, moreover, the confessional statement has got no legal sanctity.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the



informant submits that in the instant case after framing of charge, the matter is running at the stage of evidence of prosecution and prayer of this petitioner could not be considered at this stage. The learned counsel relied on a decision of a Coordinate Bench which while rejecting the prayer for bail vide order dated 18.12.2024 passed in Cr. Misc. No. 83171 of 2024, referred a decision of Hon'ble Supreme Court in the case of *X Vs. State of Rajasthan and Anr.* reported in **2024 SCC OnLine SC 3539**, wherein it has been held that once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The Hon'ble Supreme Court further held that the moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. Learned counsel thus submits that if the trial has commenced, the petitioner is not entitled to be enlarged on bail. Learned counsel further submits that the petitioner and other co-accused persons under a conspiracy took away the sister of the informant with them and taking her to a jungle shot her dead.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and the allegations are mostly on the basis of confessional statement and further considering the distinguishable feature from the case cited by learned counsel for the informant, finding no further requirement of custody in the present case when the trial has commenced, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned Court in connection with Bodh Gaya P.S. Case No. 104 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. 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.

(Arun Kumar Jha, J)

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