

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56322 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sharmila Devi, W/O Ram Bali Paswan, Resident Of Village Chak Husain
Pokhraise PS Samastipur Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. B. B. Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-01-2025 Heard Mr. Mukesh Kumar No1, learned counsel
appearing on behalf of the petitioner; Mr. Ajit Kumar, learned
APP for the State and Mr. B. B. Prasad, learned counsel
appearing on behalf of the Informant.

2. The petitioner seeks pre-arrest bail in connection
with Samastipur Muffasil P.S. Case No. 119 of 2024 registered
for the offence(s) punishable under Sections 302/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner, along with other co-accused persons, had committed
brutal murder of the son of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and only on



the basis of suspicion, she has falsely been implicated in the present case. The co-accused Abit Paswan @ Aditya Paswan (son of the petitioner) and his wife are in custody. It has come in course of investigation that no independent witness has supported the allegation that the petitioner had participated in alleged commission of murder of son of the informant or she had even seen any illicit relationship of her daughter-in-law with the deceased (son of the informant), whose body was found near a bridge at the outskirt of the village. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned counsel appearing on behalf of the Informant has vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has clean antecedent and she has been lodged in the present case only on the basis of suspicion, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-V-cum-ACJM II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 119 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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