

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78206 of 2024

Arising Out of PS. Case No.-313 Year-2024 Thana- SAUR BAZAR District- Saharsa

Sonamani Devi Wife of Ramesh Yadav R/O-Village Chandaaur ward No. 01,
PS -Saur Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Budhilal Yadav, Advocate
		Mr. Shekhar Kumar Singh, Advocate
For the State	:	Mr. Rupesh Kumar Singh, APP
For the Informant	:	Mr. Dhiraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Saur Bazar P.S. Case No. 313 of 2024, registered on 08.05.2024 for the offences under Sections 302 and 201/34 of the Indian Penal Code.

3. As per prosecution case, nephew of the informant was hanged by petitioner and other co-accused persons who happen to be the step-mother, father and uncle of the deceased, respectively.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is the second wife of co-accused Ramesh Yadav



who is father of the deceased. The first wife of co-accused was Inkumari Devi, sister of the informant and though there is allegation that she was done to death by co-accused Ramesh Yadav but no FIR was lodged by the informant or his family members against co-accused Ramesh Yadav. Similarly, allegation of causing death of the nephew of the informant is completely false and concocted as there was no dispute in the family since second marriage of co-accused took place eight years back and for these eight years there is no dispute or quarrel in the family. Learned counsel further submits that in fact the deceased was addicted to drug and he died of overdose and was cremated. None of the witness is an eye-witness of the alleged occurrence and the statement of the informant is based on information received from his younger nephew but the said witness was examined by the police and he stated that he did not see the occurrence and saw the dead body of his elder brother lying in the courtyard. He also stated about deceased taking drugs. Learned counsel further submits that petitioner is a lady and she is in custody since 03.08.2024 along with her two minor children who have been kept in jail with the petitioner. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the



informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner and other co-accused persons and witnesses in paragraph nos. 33, 34 and 35 of the case diary have stated about co-accused assaulting the deceased at the instigation of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is a lady and further considering the lack of substantive material against the petitioner and also considering the clean antecedent of the petitioner coupled with period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Saharsa/concerned court, in connection with Saur Bazar P.S. Case No. 313 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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 below, if
so required by the learned trial court.

(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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