

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13152 of 2021

Arising Out of PS. Case No.-120 Year-2019 Thana- BANGAWON District- Saharsa

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Kajal Kumari @ Kajal Devi @ Sanjana Kumari D/o Late Bablu Chaudhary @
Late Raj Kumar Choudhari, W/o Saroj Choudhary R/o village- Safawad
Bariyahi Bazar, Ward No. 03, P.S.- Bangaon, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-07-2021 In view of sudden resurgence of COVID-19 infection

there is limited functioning of the High Court and therefore the

matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the

learned APP for the State.

This Court would expect that the petitioner's Counsel

would honour his undertaking in the instant proceedings

regarding supply of requisite court fee etc. within two weeks

from the date he is called upon to do so by the office.

Petitioner seeks bail in Bangaon P.S. Case No.120 of

2019 registered under Sections 304, 34 of the IPC.

The brother of the deceased is the informant.

Petitioner, wife of the deceased along with son and the daughter

of the deceased have been made accused. Allegedly, because of



some domestic dispute, the petitioner had hit the deceased with *lathi* on his head. Allegedly, the son of the deceased, Rohit Kumar, also assaulted the deceased with bamboo stick on his head.

Learned counsel for the petitioner has drawn my attention to the postmortem report to submit that there is only one injury found in the head of the deceased, which falsifies the case of the prosecution. He has submitted that the brother of the deceased has falsely implicated the family members of the deceased for ulterior reasons. Similarly situated co-accused has been granted bail in Cr. Misc. No.16129 of 2020 vide order dated 02.06.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Additional Chief Judicial Magistrate, Ist, Saharsa in Bangaon P.S. Case No.120 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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