

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16340 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- BATH District- Bhagalpur

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ANKITA BHARTI D/O SRI AJEET KUMAR R/O VILLAGE KHANPUR
MAL, P.S BATH DISTRICT BHAGALPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.B.N Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. B.N.
Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Bath P.S. Case No. 40 of 2020 registered for
the offences punishable under Sections 302 and 201 of the Indian
Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the son of the informant went missing on
9.8.2020 and his dead body was found hanging from a mango
tree on 10.8.2020 and the informant got suspicion that some
unknown persons might have killed him and has hanged his dead



body.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has come in this case on mere suspicion. The petitioner is in custody since 24.8.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that in the First Information Report it would appear that son of the informant went missing on 9.8.2020, his dead body was recovered on 10.8.2020 hanging with a tree and at this stage the FIR was lodged against unknown, 4-5 days after the said FIR a story has been cooked up wherein now it is alleged that the deceased had illicit relationship with this petitioner and because of that the husband and brother of the petitioner were involved in the killing of the son of the informant. The submission being that the petitioner has been falsely implicated in this case on mere suspicion, in course of investigation no material has been collected by the I.O. regarding any mobile connection between the petitioner and the deceased and the petitioner has remained in



jail in connection with the present case for about ten months, investigation against her is complete but the trial is not likely to be concluded in near future, considering all these aspects of the matter, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-13, Bhagalpur in connection with Bath P.S. Case No. 40 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any



stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

