

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17369 of 2021

Arising Out of PS. Case No.-872 Year-2015 Thana- MOTIHARI TOWN District- East
Champaran

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GURIYA MISHRA W/o Late Ganganand Mishra Resident of Ward No.22,
Agarwa, P.S.- Town, District- East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj
For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Motihari Town P.S. Case

No. 872 of 2015, registered for the offence punishable under

Sections 302/34 of the Indian Penal Code.

As per the prosecution case, informant is wife of the

deceased and she alleged that some unknown miscreants

committed murder of her husband while he was sleeping in his

house.

It is submitted on behalf of the petitioner that

petitioner has been falsely implicated in this case due to village



politics. Petitioner is none else than wife of deceased and the informant of this case, but during course of investigation without there being any objective material, she has been made accused in this case. It is further submitted that during trial three witnesses were examined, but they have not supported the prosecution case. Co-accused Vijay Thakur who is alleged to be the main assailant of the deceased has been granted bail by this Hon'ble Court vide order dated 30.09.2020 passed in Cr. Misc. No. 24188 of 2020 (Annexure-3). Petitioner claims clean antecedent and she is in custody since 25.12.2015.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 872 of 2015, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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