

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28427 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- SARE District- Nalanda

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ABHIRUCHI DEVI @ MANORMA DEVI Wife of Sri Pankaj Kumar @
Prem Kumar Resident of Village and P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-11-2021 Heard learned counsel for the petitioner and the

learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sare P.S.
Case No. 127 of 2020 registered for the offence under Sections
302, 201 and 120(B) of the Indian Penal Code.

According to the prosecution case, the son of the
informant was having friendly relation with Ankita Kumari, who
is daughter of Pankaj Kumar, and on account of that Pankaj
Kumar has threatened to kill the son of the informant two
months prior to the alleged occurrence. Subsequently, the son of
the informant found missing and on hectic search, the dead body
of the son of the informant kept in a bag was found in the well. It
is further alleged that the petitioner along with others after
hatching a conspiracy killed the son of the informant.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, there is general and omnibus allegation against the petitioner and no specific allegation of assault in any manner is attributed to her. It is further submitted that the doctor received the dead body for postmortem at about 3.15 P.M. on 08.12.2020 and the postmortem report was prepared at 4.20 P.M. whereas the F.I.R. was registered at 18.35 (6.35 P.M.) without explaining the plausible delay which creates doubt over the prosecution version. There is no eye witness to the alleged occurrence and the petitioner, being the lady, is rotting in judicial custody since 09.12.2020.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that the petitioner has played an active role in the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Biharsharif, Nalanda in connection with Sare P.S. Case No. 127 of 2020 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 his 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.

(Rajesh Kumar Verma, J)

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