

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 5397 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- RAJEPUR District-East Champaran

=====

Kiran Gupta, Female, aged about 48 years, Wife of Rajkishore Sah, Resident
of Village-Sagahari, P.S.- Rajepur, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the State : Ms. Madhuri Lata, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-06-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis
of motion slip filed by learned counsel for the petitioner
yesterday, which was allowed.

3. Heard Mr. Pramod Mishra, learned counsel for the
petitioner and Ms. Madhuri Lata, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with
Rajepur PS Case No. 51 of 2020 dated 28.05.2020, instituted
under Sections 302/34 of the Indian Penal Code.



5. The allegation against the petitioner is that she, along with her husband and son, had abused and assaulted the husband of the informant and specifically against the petitioner is that she asked her husband to kill the husband of the informant upon which the husband inflicted repeated iron blows on the head leading to serious head injury due to which the husband of the informant died.

6. Learned counsel for the petitioner submitted that the petitioner is a lady and has been falsely implicated and there is land dispute between the parties. It was submitted that the main allegation is against the husband of the petitioner and only to implicate the petitioner it is stated that she had ordered for killing of the deceased. Learned counsel submitted that on the date and time of incident, she was not even present at the place of occurrence which can be confirmed by tracking the location of her mobile phone as she was at her paternal place in village Shahpur in the district of Sheohar in connection with treatment of her son who has also been made accused in the case. It was submitted that the petitioner has no criminal antecedent.

7. Learned APP submitted that there is allegation of the petitioner having given order on which her husband gave repeated blows on the head of the deceased leading to injury and



ultimately his death.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari (East Champaran) in Rajepur PS Case No. 51 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation would lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the



petitioner.

10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

