

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7324 of 2021

Arising Out of PS. Case No.-295 Year-2019 Thana- KATRA District- Muzaffarpur

1. Munni Devi W/o Sanjay Sharma, Resident of Village- Bhavanipur, P.S.-Singhwara, Distt- Darbhanga.
2. Dana Devi W/o Nathuni Sharma, Resident of Village- Bhavanipur, P.S.-Singhwara, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navnit Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Pd. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-06-2021 In view of sudden surge 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 petitioners and the learned APP for the State.

This Court would expect that the petitioners' 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.

Petitioners seek bail in Katra P.S. Case No. 295 of 2019 registered for offence punishable under sections 302, 201, 120B/34 of the Indian Penal Code.

Alleging illicit relationship of the instant petitioner, the



allegation has been made by the informant that her grand-son (petitioner's husband) has been killed by the instant petitioner.

Learned counsel for the petitioners submits that the petitioner earlier lodged Katra P.S. Case No. 79 of 2017, alleging the offences under sections 341, 323, 498A and 144 of the Indian Penal Code against the deceased.

The instant case has been lodged to exert pressure on the prosecution parties of Katra P.S. Case No. 79 of 2017 to settle the case.

It is submitted that the falsity of the allegation is evident from the F.I.R. itself wherein the informant claims to have acquired knowledge about death of her grand-son on 26.04.2018. F.I.R. however has been lodged on 12.02.2019.

It is submitted that earlier the petitioners along with other co-accused had filed Cr. Misc. No. 29314 of 2020, seeking benefit of pre-arrest bail. Before the said case was taken up and allowed, the petitioners had already been taken into custody and therefore, she could not avail the benefit of anticipatory bail granted under the said Act. The petitioners are in custody since 02.09.2020 and have no criminal antecedent. The petitioner no.2 has also been implicated in this case because she happens to be family member of petitioner no. 1.

Learned APP has opposed the prayer and submitted that



it is a case of murder and that benefit of bail should not be granted to the petitioners.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in Katra P.S. Case No. 295 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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