

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10471 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- PARWALPUR District- Nalanda

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Anjani Kumari Daughter of Fekan Mahto Resident of Village - Panchsheel
Nagar, Narnaut, P.S.- Harnaut, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Birendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-08-2021 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, learned
counsel for the informant and Mr. Nagendra Prasad, learned
APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Parwalpur P.S. Case No. 197 of 2020 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 302, 307, 504, 506 of the Indian Penal Code. She is in
custody since 2.8.2020.

Learned counsel for the petitioner submits that as per
the First Information Report the petitioner who happened to be

the second wife of the deceased had gone to the house of the deceased with her three brothers, mother and father along with 2-3 unknown persons. There have been some dispute among the family and in course of that allegedly the accused persons started abusing the informant side and when the informant side objected to the same, they started assaulting the informant and his elder son by knife and it is alleged that all were lashed with pistol and dagger.

Learned counsel submits that in the entire First Information Report there is no allegation that this petitioner had instigated the accused persons to commit the alleged offence. There is no specific allegation suggesting any assistance on the part of this petitioner to the accused persons in the alleged occurrence.

Learned counsel submits that the petitioner has been falsely implicated in this case as deceased had married the third lady and dispute was over his third marriage.

On the other hand, learned APP for the State has opposed the prayer for bail of this petitioner.

Learned counsel for the informant has also appeared and opposed the prayer for bail of this petitioner saying that this petitioner was very much present in the place of occurrence and

she had gone with the co-accused and the fact is suggesting her complicity in the alleged occurrence.

Considering the facts and circumstances of the case wherein this Court has noticed that this petitioner happened to be the second wife of the deceased, the deceased had gone for a third marriage, so far as this present occurrence is concerned there is no whisper of allegation that this petitioner had instigated the accused persons to kill her husband or that the petitioner had in any way assisted the accused persons in the alleged occurrence, having found that the petitioner had already remained in jail for over one year in connection with this case, investigation against her is complete, this Court directs release of the petitioner on furnishing 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.-1st, Hilsa, Nalanda in connection with Parwalpur P.S. Case No. 197 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 he 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'.