

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6536 of 2022

Arising Out of PS. Case No.-181 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

RUBBI GUPTA, W/O RABINDRA KUMAR Resident of Village -
Juranchhapra, Near mazar, P.S.- Brahampura, Distt.- Muzaffarpur, State -
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with G.R.
No. 3454 of 2020, Brahampura P.S. Case No. 181 of 2020,
dated 07.08.2020, registered for the offences punishable
under Sections 498, 506, 341 and 302 of the Indian Penal
Code and Section 125(3)(4) of the Maintenance Act.

As per allegation, the petitioner killed father of the
informant by torturing him and depriving him of essential
commodities.

The learned counsel for the petitioner submits that
the petitioner is innocent and has been implicated in this



case only on the basis of suspicion. He also submits that as a matter of fact, the alleged victim was aged about 85 years and he has died natural death. He further submits that even as per the medical report, there is no specific cause of death mentioned. As per the injury report, no ante mortem injury was found on the body of the deceased. He further submits that charge-sheet has already been submitted against the petitioner under Section 304 I.P.C. and not under Section 302. He also submits that the petitioner is a lady and she has been languishing in jail since 24.08.2021 i.e. for about 11 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-



named, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with G.R. No. 3454 of 2020, Brahampura P.S. Case No. 181 of 2020, dated 07.08.2020, on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedent despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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