

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10702 of 2022

Arising Out of PS. Case No.-377 Year-2021 Thana- BUDDHACOLONY District- Patna

SONI KUMARI @ SONI DEVI W/o Shambhu Yadav Resident of Village-
Masar, P.S.- Udibant Nagar, District- Bhojpur, at present North Mandiri near
Dwarika High School, P.S.- Budha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Yadav
For the Informant	:	Mr. Shiva Shankar Prasad Singh
		Mr. Pushpendra Priyedarshi
For the Opposite Party/s	:	Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Budha
Colony P.S. Case No. 377 of 2021 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, with regard to the cricket
game the dispute has taken place between two groups. One group
led by the deceased Vivek Kumar and another group led by Saurav
Kumar and others. The informant got information that his son has
received gun shot injury and his son was brought to PMCH, Patna



where he was declared dead by the doctor. The informant claimed that co-accused Adarsh Kumar, Saurav Kumar and six unknown persons committed murder of his son Vivek Kumar concertedly by making firing of gun under conspiracy.

Learned counsel for the petitioner submits that petitioner is in custody since 23.10.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. F.I.R. has been lodged against co-accused Adarsh Kumar, Saurav Kumar and their six unknown friends. Name of petitioner has been sprang up only on the confessional statement of his son Saurav Kumar. There is no specific overt-act against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner and petitioner was implicated only on suspicion. There is no eye witness of the alleged occurrence as it is evident from the FIR itself.

Learned counsel for the informant submits that co-accused Saurav Kumar has specifically stated in the confessional statement that his mother (petitioner) has instigated to commit the said occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, nature of allegation, petitioner being a lady, charge-sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Patna in connection with Budha Colony P.S. Case No. 377 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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