

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19957 of 2022

Arising Out of PS. Case No.-122 Year-2020 Thana- PHULWARISHARIF District- Patna

Kavita Kumari D/o Ganesh Mahto Resident of Village - Sangat Kumhar Toli,
P.S. - Phulwari Sharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP
For the Informant/s	:	Mr. Arvind Kumar Mouar, Mr. Raj Krishna Jha

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Phulwari Sharif P.S. Case No. 122 of 2020 lodged under
Sections 363, 356 read with Section 302, 201, 120(B), and 34 of
the I.P.C.

As per the prosecution case, F.I.R has been lodged
against unknown person on 17.02.2020 for the occurrence
alleged to take place on 10.02.2020.

Learned counsel for the petitioner submits that
petitioner is a female aged about 22 years. Learned counsel

further submits that F.I.R has been lodged after delay of 8 days and there is no explanation of delay in the F.I.R. Learned counsel for the petitioner further submits that no substantive piece of evidence is available in the present case. Learned counsel further submits that petitioner is of clean antecedent and in custody since 25.03.2020.

Learned counsel further submits that charge sheet has already been filed in this case, charge framed and evidence of prosecution witnesses are going on. He further submits that the other two co-accused persons were granted bail by the Co-ordinate Bench of this Court vide order dated 17.02.2022 passed in Cr. Misc. No. 61982 of 2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informants also appeared in this case and vehemently opposes the prayer for bail and submits that in paragraph 44 of the case diary, there is a confessional statement of the accused by which the entire material relating to the present case has been disclosed by the petitioner. Learned counsel for the informants also submit that all charge sheet witnesses have been examined and the examination of doctor is only left.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be

granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned ADJ XXIV Patna in connection with Phulwari Sharif P.S. Case No. 122 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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