

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26416 of 2022**

Arising Out of PS. Case No.-305 Year-2021 Thana- JHAJHA District- Jamui

NUNWATIA DEVI wife of Nundeo Yadav @ Jhopi Yadav Resident of Village
- Dighra, P.S. Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 302/34 of
Indian Penal Code.

According to prosecution case, in brief, is that on
22.10.2021, the son of informant namely, Sheo Kumar Yadav
told the informant that Suresh Yadav and Niwas Yadav called
him and son of informant went to the house of Suresh and
Niwas Yadav, where, Nunwatia Devi was also present and all
the accused persons after administering liquor to the son of
informant killed him and threw his dead body with motorcycle



and gave the shape of accident.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on basis of suspicion. He further submits that it appears from the inquest report that the deceased had died due to motorcycle accident and allegation against the petitioner is false and fabricated.. He further submits that there is no cogent material has come during the investigation against the petitioner and except the suspicion there is no eyewitness of the alleged occurrence.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jhajha P.S. Case No. 305 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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 his 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.

(Rajesh Kumar Verma, J)

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