

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31589 of 2022**

Arising Out of PS. Case No.-163 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Nirmala Devi Wife of Late Naresh Mandal Resident of Village-Barirya, P.S.-
Nathnagar, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Nathnagar P.S. Case No.163 of 2019 registered for the offences
under Sections 302/34, 120(B) and 201 of the Indian Penal
Code.

As per the allegation made in the FIR, the informant's
brother was murdered and it has been alleged by the informant
that the deceased brother developed illicit relationship with this



petitioner who has got no good character and several other persons also had illicit relationship with this petitioner and in furtherance of conspiracy hatched by the petitioner with her other lovers, the informant's brother was murdered and his dead body was dumped before the house of the petitioner.

The main submissions advanced by the learned counsel Mr. Rajive Ranjan Singh for the petitioner are that the petitioner who is a woman, has no criminal antecedent, the informant has mainly raised suspicion against this petitioner to be involved in the murder of his brother but except suspicion, there is no material against this petitioner and in the instant case there is no eye witness of the alleged crime. Further submission is that the deceased was having a criminal background and he might have been murdered by some any other person and the charge has been framed upon this petitioner on 20th December, 2019 but till date no prosecution witness has been examined.

Learned APP Ms. Anita Kumari appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The present petitioner has been languishing in jail since 30th September, 2019 and during the last two and half years no witness of prosecution has been examined in the trial of petitioner after



framing charge upon her which shows the lingering attitude of the prosecution in concluding the trial of the petitioner and as per the FIR the basis of accusation against the petitioner has been made by the informant mainly on account of an illicit relationship between the petitioner and his deceased brother. Considering these facts as well as above submissions, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Nathnagar P.S. Case No.163 of 2019 , on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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