

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56258 of 2021

Arising Out of PS. Case No.-420 Year-2018 Thana- MADHAURAH District- Saran

Fuljhari Devi @ Fulpati Devi W/o Rameshwar Rai @ Rameshwar Prasad
Yadav R/o village- Silhowri, P.S.- Marhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate.

For the Opposite Party/s : Mr. Rajeev Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 12-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Pursuant to the direction of this Court, a supplementary affidavit has been filed to the effect that though earlier the provisional bail was granted to this petitioner on 20.12.2021 but the same could not be availed because of the reasons mentioned in the affidavit.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Marhowrah P. S. Case No. 420 of 2018 registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that dead body of a lady was found lying on a railway track, later on, the



dead body was identified to be wife of one Upendra Rai.

It has been submitted by the learned counsel for the petitioner that the name of the petitioner surfaced during the course of investigation that the husband of the deceased had illicit relation with the petitioner, except the suspicion there is no eye witness to the alleged occurrence and moreover, the husband of the deceased, namely, Upendra Rai and another co-accused Kameshwar Rai have already been granted bail by co-ordinate Benches of this Hon'ble Court in Cr. Misc. No. 13152 of 2019 vide order dated 19.07.2019 (Annexure 3 to this petition). It is next submitted that the petitioner is a lady and she is in custody since 25.03.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner but accepted this fact that other co-accused persons have already been granted bail and the name of the petitioner has come only on suspicion.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the F.I.R. has been instituted against unknown person and the name of the petitioner surfaced during the course of investigation as she had illicit relation with the husband of the deceased, apart from the fact that the petitioner is a lady and she is in custody since



25.03.2021, let the petitioner, above named, be released on 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 Additional Sessions Judge- V, Saran at Chapra in connection with Marhowrah P. S. Case No. 420 of 2018, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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