

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62928 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- KHAJEKALA District- Patna

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Sona Devi @ Soni Devi, Wife Of Avinash Raj @ Dilip Kumar, Daughter Of
Rajendra Das Resident Of Mohalla- Bihat Chakwalli, P.S.- Barauni, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Khajekalan P.S. Case No. 250 of 2021, registered for the

offences punishable under Sections 306 and 34 of the Indian

Penal Code.

The prosecution case as emerges from the FIR is

that brother of the informant, namely, Avinash Raj @ Dilip

Kumar had committed suicide on account of illicit relationship

of his wife with her brother-in-law, who is a co-accused.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case only on account of doubt. He further submits that there is no illicit relationship between the petitioner and the co-accused. He further submits that she has been languishing in jail since 26.08.2021. He also submits that she is mother of two young children aged about 11 and 7 years respectively. Both of the children are not being looked after by anyone. He further submits that investigation is complete and the case is at the stage of framing of charge.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. I/C S.D.J.M., Patna City in



connection with Khajekalan P.S. Case No. 250 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. He must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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