

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53372 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- BARHIYA District- Lakhisarai

MONI KUMARI, D/o Guddu Singh, Resident of Village - Ward no.6,
Ramcharan Duanni Tola, P.s.- Barahiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.N. K. Agrawal, Sr. Advocate
For the State	:	Mr.Dashrath Mehta, APP
For the Informant	:	Mr.Pranav Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned senior counsel for the
petitioner, learned counsel for the informant and the learned
APP for the State.

3. The petitioner seeks bail in connection with
Barahiya P.S. Case No.133 of 2022 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. There is an allegation that the brother of the
informant, who was unmarried and resided at the *bathan*, was
having intimate relation with one Moni Kumari (petitioner) and
it is alleged that she, in conspiracy with her family members,



has committed murder of the informant's brother.

5. Learned senior counsel for the petitioner submits that from the F.I.R. itself, it is apparent that everybody was in know of the relation of the victim with the petitioner. It is further submitted that as per F.I.R., it is the petitioner who has given intimation regarding the victim being found dead with two gunshot injuries. The submissions is that the F.I.R. itself, therefore, reveals the *bona fides* of the petitioner. It is further submitted that being a female, the petitioner has remained in custody in connection with this case since 23.06.2022, wherein the allegations are based merely on suspicion.

6. Learned APP as well as learned counsel for the informant has opposed the prayer. Learned counsel for the informant has submitted that the mobile of the deceased was recovered from the petitioner.

7. Considering the rival submissions based on above noted facts, the submissions based on the F.I.R. that it is the instant petitioner who has given intimation regarding the killing, the fact of the petitioner being on intimate terms with the deceased since before, as also the clear antecedents, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.



9. Accordingly, let the petitioner, above named, 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 learned C.J.M., Lakhisarai, in connection with Barahiya P.S. Case No.133 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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