

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2893 of 2023

Arising Out of PS. Case No.-274 Year-2021 Thana- HATHUA District- Gopalganj

1. FUL KUMARI DEVI D/O SHIVAJI BHAGAT Resident of village- Mirjapur, P.S.- Hathuwa, District- Gopalganj.
2. URMILA DEVI W/O SHIVJI BHAGAT Resident of village- Mirjapur, P.S.- Hathuwa, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad, Adv.
For the Opposite Party/s	:	Mr.Anil Kumar, APP
For the informant	:	Mr. Akhilesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners and learned counsel for the informant as also the learned A.P.P. for the State.

The petitioners seek bail in connection with Hathua P.S. Case No. 274 of 2021 registered for the offence under Sections 302/34 of the Indian Penal Code.

The son of the informant is alleged to have been killed by his in-laws' members. It is further alleged that the several injuries have been found on the dead body of the deceased.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that the petitioners have clean antecedents. He further submits that, in fact, the informant is



not the eye-witness of the alleged occurrence and only on the basis of the suspicion, the informant has falsely implicated the petitioners in the present case. He further submits that the petitioner No. 1 is the wife of the deceased and petitioner No. 2 is the mother-in-law of the deceased and it is not clear as to why the petitioners have killed their own husband and son-in-law. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 01.10.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand vehemently oppose the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned A.C.J.M.-XIV, Gopalganj, in connection with Hathua P.S. Case No. 274 of 2021 with the following conditions:-

(1) Petitioners 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/her absence on two consecutive dates without sufficient



reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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Singh/Amit-

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