

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3067 of 2023

Arising Out of PS. Case No.-781 Year-2022 Thana- KHAGARIA District- Khagaria

PRIYANKA KUMARI Daughter of Surendra Yadav Resident of Village -
Morkahi, P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

The petitioner apprehends her arrest in a case registered
for the offences punishable under Sections 302, 328 and 120(B)/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman.

The informant alleges that the accused persons
including the petitioner killed his father by poisoning as Suman
Yadav was trying to grab the land which his father had purchased.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is
further submitted that from perusal of the allegation as alleged in
the FIR, it would manifest that the informant is not an eye witness
to the occurrence rather he has alleged in the FIR that this



petitioner had informed Dinesh Yadav that his father was lying in an unconscious state and subsequently Dinesh Yadav informed the informant in pursuance whereof he went to the place of occurrence. Learned counsel further submits that petitioner is a married lady but inadvertently while describing her as petitioner it has been recorded that she is daughter of Surendra Yadav. Learned counsel next submits that the entire allegation hinges around suspicion when petitioner has no concern with Suman Yadav. At this stage, learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present herself as and when required by the Investigating Officer of the case for eliciting the truth.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and it was this petitioner who had informed Dinesh Yadav about the deteriorating condition of the father of the informant.

Learned counsel for the petitioner at this stage again make a submission and submits that if the petitioner would have been involved in the occurrence then definitely she would not have informed Dinesh Yadav about the condition of the father of the



informant.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaria P.S. Case No. 781 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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