

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6518 of 2023

Arising Out of PS. Case No.-337 Year-2022 Thana- MITHANPURA District- Muzaffarpur

ARCHANA DEVI, Wife of Abhay Kumar, Resident of Khadi Campus
(Pokhar), P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Prerna Rishi, Advocate Mr. Patanjali Rishi, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023

List of these matters has been notified today.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Mithanpura
P.S. Case No. 337 of 2022 registered for the offence punishable
under Sections 302, 120B and 34 of the Indian Penal Code.

It is alleged that the petitioner along with co-accused
persons assaulted the husband of the informant with Bamboo stick
and dragged her husband into a room. When they entered the room
by breaking/opening the door, co-accused Kaushal Kishore was seen
sitting on the chest of the husband of the informant, trying to
strangulate him with a coconut rope and the petitioner had caught
hold of his legs. The informant's husband has thus, been done to
death.



Learned counsel for the petitioner submits that the deceased had indulged in eve-teasing of Kaushal Kishore's daughter, for which a Panchayati was held, in which the deceased had been reprimanded and due to that embarrassment, he committed suicide. The informant has impleaded the petitioner and family members by leveling false allegation and is misusing the factum of death of her husband. The deceased did not receive any single external injury rather his death has been found to have occurred on account of hanging. The petitioner has clean antecedents. Charge-sheet has been submitted under Section 306/34 of the Indian Penal Code. Co-accused Kaushal Kishore has been allowed anticipatory bail in *Cr. Misc. No. 9364 of 2023* whereas the petitioner is in custody since 08.10.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the petitioner's claim based on anticipatory bail being granted to co-accused by stating that the petitioner's case stands on a better footing, period of custody and considering the fact that petitioner is a female having clean antecedents, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate, First Class, Muzaffarpur, in connection with Mithanpura P.S. Case No. 337 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 she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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