

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7959 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- DUMARIYA District- Gaya

=====

KAVITA DEVI @ KAMAUDI DEVI W/o Late Sunil Bharti R/o Village -
Nawkadih Budhi Bandh, P.S. - Dumariya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar.

The petitioner seeks bail in Dumaria Police Station
(for brevity, **PS**) Case No 69 of 2020 registered for the offence
punishable under Sections 302/34 of Indian Penal Code.

There is allegation that the informant's brother Sunil
Bharti had come out of his room in the wee hours for easing
himself when he was attacked by co-accused Dharmendra
Mukhiya and Babulal Mukhiya. During investigation, the
petitioner's name has surfaced. She is the wife of deceased
Sunil Bharti and allegation against her is that she had called
Dharmendra for killing the deceased.



Learned counsel for the petitioner submits that the format of the First Information Report (for brevity, **FIR**) discloses the date of occurrence to be 25.09.2020. The **Fardbayan**, however, states that date of occurrence is 29.09.2020. After undergoing treatment for at least two days, as per format of the FIR, the victim has died. However, there is no statement of the victim recorded in the meantime. The FIR ultimately has been lodged on 11.12.2020, about three months thereafter. It is further submitted by the petitioner's counsel that the petitioner has been roped in by the informant so as to settle the subsisting dispute over the ancestral properties. Being a female, the petitioner has remained in custody since 19.01.2021 and has no criminal antecedent.

Learned APP has opposed the prayer for bail. It is submitted that petitioner's complicity has surfaced in the course of investigation.

Having considered the rival submissions, several dates noted above and the period of custody, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Gaya in Dumaria PS Case No 69 of 2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

