

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10018 of 2023**

Arising Out of PS. Case No.-304 Year-2022 Thana- KISHANGANJ District- Kishanganj

1. Priti Gupta @ Priti Kumari @ Priti Kumar Wife Of Late Pappu Gupta @ Pappu Sah R/O Gosaigaon, Ward No.09, P.S.- Naugachhiya, District- Bhagalpur Presently R/A Dharamganj, Ward No.11, P.S.- Kishanganj, District- Kishanganj
2. Raju Kumar @ Raju Pd. Gupta Son Of Rohit Sah @ Rohit Prasad Gupta R/O Gosaigaon, Ward No.09, P.S.- Naugachhiya, District- Bhagalpur Presently R/A Dharamganj, Ward No.11, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 03-05-2023 Heard the parties.

The petitioners are in custody since 1.8.2022 in connection Kishanganj P.S. Case No. 304/2022 under sections 302/34 of the Indian Penal Code and 27 of the Arms Act lodged on 27.7.2022 by the informant, Priti Gupta.

The prosecution story, in brief, is that the informant, Priti Gupta, with her family was living in Kishanganj for last 10 years. Her husband was working as a plumber mechanic in M.G.M Hospital, Kishanganj and she also worked as a nursing staff in the same college. It is further stated that on 27/07/2022



at 10:30 p.m, when her husband was coming from the Hospital, on account of some scuffle with unknown, he was shot by other person and got injured. He called the informant and upon knowledge she reached there and got her husband admitted in the hospital with the help of local persons where he was declared dead. Accordingly *Fardbeyan* was instituted against the unknown persons.

Subsequently, as the story unfolded, it was found that the petitioner no.1 (informant) herself planned the entire story duly aided and abetted by the petitioner no.2 who is none other than brother of the deceased and 'Dewar' of the petitioner no.1. Accordingly, they were taken into custody.

Learned counsel for the petitioners submit that the family members of the victim have been made accused in the present case and so far as the petitioner no.1 is concerned, no role has been attributed to her and she is ready to abide all the terms and conditions, if granted relief.

Learned APP on the other hand has taken this Court to the order of the learned Sessions Judge to show that on the confession of the petitioner no.2, a country made pistol and the knife alleged to have been used in the murder of the deceased were recovered.



Considering the kind of allegation that has come against the petitioner no.2, no relief can be granted to him and the bail application is accordingly rejected.

So far as the petitioner no.1 Priti Gupta @ Priti Kumari @ Priti Kumar is concerned, she being a lady, do not have any criminal antecedent, is in custody since 1.8.2022 as submitted by the learned counsel for the petitioners, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner no.1 Priti Gupta @ Priti Kumari @ Priti Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate I/C, Kishanganj, in connection with Kishanganj P.S. Case No. 304/2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Ravi/kiran

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