

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14876 of 2023**

Arising Out of PS. Case No.-470 Year-2022 Thana- AKBARPUR District- Nawada

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1. RADHIKA DEVI Wife of Prameshwar Yadav Resident of Village - Dhanbara, Police Station - Akbarpur, District - Nawada.
 2. Ranju Devi @ Sanju Devi Wife of Budhan Yadav Resident of Village - Dhanbara, Police Station - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 It has been contended by the learned counsel for the petitioner that during the pendency of the case, the petitioner no. 1, Radhika Devi has been arrested and as such her case has become infructuous.

Heard the parties.

The petitioner no. 2 is apprehending arrest in connection with Akbarpur P.S. Case No 470 of 2022 for the offence under Sections 302, 201 and 34 of the I.P.C. lodged on 03.09.2022 by the informant Ramsharan Yadav.

The prosecution story, in brief, is that the marriage of Bouli Kumari (informant's sister) was solemnized with Vikash



Yadav in the year 2008 according to Hindu Rites and Rituals and she was blessed with three daughters in the wedlock of the petitioner. Allegation is that relatives of his sister, father-in-law, Parmeshwar Yadav, mother-in-law Radhika Devi, Bhaisur Budhan Yadav, his wife Ranju Devi, Dewar Pintu Yadav and Birbal Yadav used to assault and threatened to oust her from the house. On 03.9.2022, the informant received information to this effect that his sister was killed by her relatives and thrown the her body in the water. Thereafter, the dead body was taken out from the water and they took her dead body to 'Shamshanghat' for its disposal. In the meantime, police approached there and took the dead body of the deceased for its postmortem.

Learned counsel for the petitioner submits that so far as the petitioner no. 2 is concerned, she is sister-in-law (Gotni) of the deceased, nothing to do with the present case, lives separately and only because she belong to same family, has been implicated in the case.

Learned APP opposes the prayer.

Considering the aforesaid fact that the petitioner is a lady, 'Gotni' of the deceased, has no criminal antecedent, this Court, this Court is inclined to extend her the privilege of anticipatory bail with conditions.



Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, 1st, Nawada, in connection with Akbarpur P.S. Case No 470 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. 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 her bail bonds.



With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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