

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17656 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- MAHUA District- Vaishali

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1. KAILASH SLINGH @ KAILASH SINGH S/O- LATE RAMCHANDRA SINGH Resident of Village- Fatehpur Pakari @ Fatehpur Pakri Ps- Mahua Dist- Vaishali
 2. Shamkali Devi @ Anoop Devi W/O- Kailash Sling @ Kailash Singh Resident of Village- Fatehpur Pakari @ Fatehpur Pakri Ps- Mahua Dist- Vaishali
 3. Chandan Kumar S/o- Kailash Sling @ Kailash Singh Resident of Village- Fatehpur Pakari @ Fatehpur Pakri Ps- Mahua Dist- Vaishali
 4. Kundan Kumar @ Kundan S/o- Kailash Sling @ Kailash Singh Resident of Village- Fatehpur Pakari @ Fatehpur Pakri Ps- Mahua Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar S/o- Ashok Kushwaha Village- Nizampur Goriyana, Ps- Tiwaripur Dist- Gorakhpur U.P

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-06-2023 At the outset, this court has been informed that petitioner nos. 1,3 and 4 are in judicial custody, therefore, this application insofar as it relates to petitioner nos. 1, 3 and 4 has become infructuous.

The application now survives only in respect of petitioner no. 2. She is seeking pre-arrest bail in connection with Mahua P.S. Case No. 545 of 2022 registered for the offences punishable under Sections 341, 342, 323, 363, 364, 498(A),504, 506/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.



She has no criminal antecedent as stated in paragraph '3' of the application.

Pursuant to the order dated 25.05.2023, Superintendent of Police, Vaishali is present in person. He has filed a counter-affidavit indicating that the victim girl has been killed by her husband and other accused persons.

The petitioner no. 2 is the mother-in-law of the victim lady. In paragraph '15' of the counter-affidavit, a statement has been made that accused Kailash Singh (Petitioner no.1) disclosed before police that victim was called through one Pankaj Kumar @ Kana of village Fatehpur Pakri who assisted in bringing the victim from village Fatehpur Pakri to Mahua Bus stand wherefrom she was taken by the accused persons to Naya Ghat Pool(Ayodhya) and done to death by throwing into the river.

After going through the aforesaid statements, this court specifically called upon the Superintendent of Police, Vaishali to make a statement as to whether the petitioner no. 2 was also found present at the bus stand or that she was accompanied by the other accused persons who were allegedly taking away the victim. The Superintendent of Police, Vaishali has stated that the husband and the father-in-law of the victim were together. At this stage, there is no material to show that the petitioner no. 2 was also present with them and no specific input has been found on this point as yet.



Considering the aforesaid aspect of the matter wherein no specific material has been collected against the petitioner no.2, this court directs that in case of her arrest/surrender within a period of four weeks from today, let the petitioner no. 2 be enlarged on bail on furnishing bail bond of Rs. 25,000/-(twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, in connection with Mahua P.S. Case No. 545 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no. 2 has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Alok Verma/-

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