

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19592 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- NAGAR District- Vaishali

MALA KUMARI W/O Late JITENDRA KUMAR R/O VILL.-
HATHSARGANJ, P.S.- HAJIPUR TOWN, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 26.11.2022, in connection with Hajipur Town P.S. Case No. 476 of 2020, F.I.R. dated 26.06.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

Allegation against the petitioner is that she along with other co-accused persons committed the murder of son of the informant due to love affair of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. He further submits that the petitioner is the wife of the victim and the informant is father-in-law of the petitioner. He further submits that the allegation as



alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and merely on the basis of suspicion, the petitioner and her family members have been implicated in the present case. The informant is not an eye witness of the alleged occurrence and no one has seen the occurrence. He further submits that similarly situated co-accused person namely Rajeev Kumar who is father of the petitioner has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 23.12.2022 passed in Cr. Misc. No. 65579 of 2022, another co-accused person namely Tetri Devi who is mother of the petitioner has been granted anticipatory bail by a Coordinate Bench of this court vide order dated 21.12.2022 passed in Cr. Misc. No. 65595 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.11.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 476 of 2022, subject



to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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