

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28180 of 2022**

Arising Out of PS. Case No.-502 Year-2021 Thana- BODHGAYA District- Gaya

GUDIYA KUMARI @ GURIYA KUMARI DAUGHTER OF JITENDRA
DAS R/O- VILL-BAGAH KHURD , P.S.- BODH GAYA,DIST.- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 23-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bodh
Gaya P.S. Case No. 502 of 2021 registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian
Penal Code.

As per prosecution case, it is alleged that by
hatching conspiracy petitioner and others committed the murder
of informant's husband. It is further alleged that deceased has
illicit relation with the present petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.12.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner has been falsely implicated in the case as she is daughter of co-accused namely Jitendra Das. He further submits that there is no eye witness to the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that it is alleged that petitioner called the deceased on mobile but no mobile number of the petitioner has been mentioned in the FIR. He further submits that neither any circumstantial evidence nor any iota of other evidence is available against the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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, Gaya in connection with Bodh Gaya P.S. Case No.



502 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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