

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31323 of 2023

Arising Out of PS. Case No.-23 Year-2018 Thana- PHENHARA District- East Champaran

Babita Kumari @ Baby Kumari Wife Of Chhatki Paswan D/O-Harishchandra
Paswan, R/O-Gaibandhi, P.S.-PHENHARA, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2023 Heard Mr. Ajay Kumar Singh, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP who
represent the State.

The petitioner is in custody since 16.8.2022 in connection with Phenhara P.S. Case No. 23 of 2018 for the offence punishable under Sections 302, 328 and 120-B of the I.P.C. lodged on 13.3.2018 by the informant Sikandar Rai.

The prosecution story, in brief, is that the informant filed a written petition before Fenhara police station stating therein that his son was in love affairs with Babita Kumari and they solemnized marriage three years ago and from their wedlock, a child was born. On 28.2.2018, on the occasion of 'Holi' the son of the informant went to his 'Sasural' with his wife to celebrate it. On 10.3.2018, again his son went to his 'Sasural'



to bring his wife, where all the FIR named accused persons including the petitioner committed murder of his son by administering poison.

It has been contended by the learned counsel for the petitioner that her husband had taken liquor and committed suicide on road away from her house. Further, she was forced to leave her in-laws' house. She has already remained in custody since 16.8.2022 (as stated in para-14 of the bail application).

Learned APP opposes the prayer stating that the allegation against her is of killing her husband.

Taking into account the fact that the petitioner is a lady, has no criminal antecedent and the dead body was recovered from the road, has remained in custody since 16.8.2022, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner 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 C.J.M., East Champaran at Motihari, in connection with Phenhara P.S. Case No. 23 of 2018 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 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 application is allowed.

(Rajiv Roy, J)

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