

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34236 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- ITARHI District- Buxar

Phul Kumari Devi Wife Of Ramakant Chaudhary @ Jhamlal Chaudhary
Village - Mangolpur, P.S -ITARHI, District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Itarhi P.S. Case No. 280 of 2022 instituted under Sections 341, 323, 306, 504, 34 of the Indian Penal Code lodged on 15.9.2022 by the informant Sunita Devi.

As per the prosecution story, there was a quarrel between the children and it is alleged that the accused side threatened the informant's child that a complaint will be made to his parents. Fearing backless, he closed the door from inside and committed suicide. Accordingly, the FIR.

It is the case of the learned counsel for the petitioner that from the FIR itself there is no allegation of any assault on the unfortunate death of the informant's child inasmuch as even going by the allegation, he only threatened of complaining to his



parents which led to this unfortunate incident.

Learned APP opposes the prayer.

Taking into account the fact that there is no allegation of assault on the boy who unfortunately committed suicide and the petitioner is a lady, this Court is inclined to extend her the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Itarhi P.S. Case No. 280 of 2022 to the satisfaction of learned J.M. 1st Class court no. 14, Buxar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also other 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 co-operate in the investigation



and make herself available to the police as and when required;

(iv) 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;

(v) 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 observation, the bail application is allowed.

(Rajiv Roy, J)

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