

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34951 of 2023

Arising Out of PS. Case No.-663 Year-2022 Thana- GHORASAHAN District- East
Champaran

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Kalawati Devi Wife Of Raja Thakur @ Rajaram Thakur Resident Of Village-
Dhumnagar, Ps- Ghorasahan, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Ghorasahan P.S. Case No.663 of 2022 instituted under
Section 302/34 of the IPC lodged on 07.12.2022 by the
informant Raj Banshi Rai.

As per the FIR, the informant's youngest son namely
Sunny Kumar was going to sleep after taking dinner at his
"Gowas" and the informant was following him to feed pudding,
In due course, the informant saw that near the house of Kalawati
Devi the F.I.R named accused persons including the accused
petitioner surrounded his son and started assaulting him and
took him into the house of Kalawati Devi. The informant raised
‘hulla’. The accused petitioner Kalawati Devi and Suraj @
Surat allegedly pressed the neck of his son till his death. After



that the rest accused persons hanged the dead body of informant's son on a bamboo by tying with 'Dupatta'. Cause of occurrence is said to be that the accused persons are were in the business of illegal liquor and they had suspicion that the informant's son was informer. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that a suicidal case had been given the colour of the murder and the petitioner has been implicated in the case. It is his further submission that there is no eyewitness to the occurrence and the body of the deceased was found hanging in her room. It is his further submission that during investigation it was revealed that the petitioner's daughter was in love with the deceased and they were inside the room and as the same was seen by some of the persons from accused side, out of shame, he committed suicide and in which the petitioner has been implicated and last submission is that she is in custody since 23.12.2022 (as stated in paragraph-17 of the petition).

Learned APP opposes the prayer.

The petitioner being lady, an aged person of 75 years, is in custody since 23.12.2022, no criminal antecedent and will ultimately will face the trial, this Court is inclined to extend her privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ghorasahan P.S. Case No.663 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Motihari, subject to 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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