

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33869 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- KUMAR KHAND District- Madhepura

KALPANA KUMARI WIFE OF DEEPAK KUMAR RESIDENT OF
VILLAGE- BESHADH, WARD NO. 04, PS- KUMARKHAND, DISTT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kishore Prasad, Advocate
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, APP
For the Informant	:	Mr. Utkarsh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody in connection with Kumarkhand P.S. Case No. 325 of 2022 for the offence under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 18.09.2022 by the informant, Deepak Kumar.

The prosecution case, in brief, is that on 10.09.2022 at around 8:00 pm, the informant was sitting at his door, when Neeraj Kumar, Janeshwar Prasad Yadav, Kalpana Kumari came on two motorcycles. Kalpana Kumari is wife of the informant. Thereafter, Neeraj took out a pistol and later hit the informant's head with an axe while Janeshwar Yadav injured him by hitting



him with a rod. Neeraj Kumar further seriously injured him by hitting on the face. Kalpana Kumari, the informant's wife as also their son, Himanshu Kumar started hitting him and both the unknown persons started pulling Kalpana Kumari, Janeshwar Yadav, Neeraj Kumar and Himanshu Kumar by tying a rope around their neck with the intention of killing them. Informant's wife Kalpana Kumari ran away from the house with Sane's jewellery worth about Rs.2,00,000/-.Being informant was shifted to the hospital, accordingly, the F.I.R.

It has been submitted by learned counsel for the petitioner that both the petitioner and the informant are couple and due to their family dispute, an exaggerated F.I.R. has been lodged in which she is in custody since 12.03.2022 (at stated in para 13 of the petition).

Mr. Utkarsh, learned counsel who represent the informant submits that on gun point, she alongwith her brother came and took away the materials that has been alleged in the F.I.R.

Learned APP opposes the prayer for bail.

Considering the fact that the petitioner is a lady, do not have criminal antecedent and has already suffered by being in custody since 12.03.2022 and ultimately will have to face the



trial, 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 A.C.J.M-II, Madhepura, in connection with Kumarkhand P.S. Case No. 325 of 2022 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 his/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)

Jagdish/kiran/-

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