

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36987 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- CHOUTARWA District- West
Champaran

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SWARI DEVI @ SAWARI DEVI W/O SHAMBHU YADAV R/O Vill. Jaini
Tola, PS. Bathwariya, Dist. West Champaran (Bettiah)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Respondent	:	Mr. Ritika Roy, Advocate
		Mr. Amit Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-09-
2023

Heard Mr. Lokesh Kumar Singh, learned Counsel for

the petitioner and Ms. Ritika Roy, learned Counsel appearing for
the informant as also Mr. Bharat Bhushan, learned APP for the
State.

2. The petitioner is an accused in connection with
Chautarwa P.S. Case No. 104 of 2022 registered for the offences
under sections 302 and 34 of the Indian Penal Code lodged on
03.03.2022 by the informant, Mamta Devi.

3. As per the prosecution story, the informant-lady has
alleged that her husband had given loan of Rs. 1,50,000/- to the
petitioner herein amongst other but he failed to return the same.
It is further alleged that on the fateful day, one Amit Rao took



away her husband whereafter he was traceless. Later, his dead body was found on the subsequent day and the same was caused by sharp cutting weapon as well as by pressing his neck. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that in the present case, no one has seen the actual occurrence in the case. She has alleged to have taken the money from the deceased- husband of the informant and thus has been implicated in this case. The submission is that at best, it can be a case of last seen and the petitioner is in custody since 31.03.2023 (as stated in paragraph 20 of the bail application).

5. Taking into account the fact that the petitioner is a lady, is in custody since 31.03.2023 and do not have criminal antecedent and since Pravesh Yadav who also alleged to have conspired in the matter as per the confession of Amit Rao has since been released on bail in Cr. Misc. No. 40614 of 2022 on 13.10.2022, this Court is inclined to extend her privilege of bail.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran (Bettiah) in connection with Chautarwa P.S. Case No. 104 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 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 her 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.

7. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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