

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36934 of 2023

Arising Out of PS. Case No.-455 Year-2022 Thana- BAISI District- Purnia

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KHANAM WIFE OF LATE ETWARI RESIDENT OF VILLAGE-PURAB
TOLA, KHAPRA, PS- BAISI, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Baisi P.S. Case No. 455 of 2022 for the offence punishable under Section 302 of the Indian Penal Code lodged on 18.11.2022 by the informant, Bharat Rai.

3. As per the prosecution story, the 'Chowkidar' who is informant lodged the FIR stating that while on duty with the Central Bank of India came to know about recovery of a dead body and accordingly went there, found the dead body of Md. Itwari who was having injury on his head and it seems that he was strangled to death. He learnt from the villagers that he was not having good relationship with his wife, the present petitioner who may along with her associate killed him. Accordingly, the FIR.



4. It is the case of the petitioner that though 'Chowkidar' has made allegation against the petitioner, no such associate of her could be found during the course of investigation.

5. In this case, case diary was called for by a coordinate bench of this Court on 5.7.2023 which has since been received and learned APP submits that despite the repeated of allegation by the 'Chowkidar' in it, the name of associate is missing.

6. Taking into account the aforesaid facts, the lady is not having criminal antecedent, is in custody since 24.11.2022 (para-16 of the petition) and will be appearing diligently in the trial, this Court is inclined to extend her the privilege of bail with conditions.

7. 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 Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No. 455 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 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.

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

(Rajiv Roy, J)

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