

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37754 of 2023

Arising Out of PS. Case No.-56 Year-2020 Thana- BATH District- Bhagalpur

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Rita Devi Wife Of Jamun Das Resident Of Village- Kamaitha, Ps- Bath,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Adv

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Bath P.S. Case No. 56 of 2020 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. It is alleged that the accused persons have brutally assaulted the informant's husband, which resulted in his death. Specific allegation of assault and killing is attributed against the accused persons, including the petitioner.

4. Learned counsel for the petitioner submits that the Informant has come to learn about the killing on the alleged communication over mobile-phone by her brother-in-law (*devar*). From the FIR, it is obvious that informant is not an eye-witness. The fact that the brother of the deceased has intimated



the informant regarding the killing, and himself not come forward for lodging the case, casts a cloud of suspicion over the prosecution case. The petitioner, who is female neighbor, which is apparent from the allegation in the FIR, has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations and the submissions about the fact that the petitioner is female as well as clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-XIII, Bhagalpur, in connection with Bath P.S. Case No. 56 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors
will be a close relative of the petitioner



who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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