

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45462 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- POTHIIYA District- Kishanganj

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Tofa Parveen @ Tofa Parveen @ Tofa Praween D/O- Hussain @ Md.
Hussain Village- Piyakuri Ps- Pothia Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.04.2023 in connection with Pothia P.S. Case No. 71 of 2023,
F.I.R. dated 31.03.2023 for the offences punishable under Section
302/34 of the Indian Penal Code.

3. According to prosecution case, murder of the
deceased has been committed by the F.I.R. named persons and
four-five unknown persons.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been implicated
in the present case merely on the basis of suspicion. Earlier the
petitioner had lodged an F.I.R. against the deceased and other
persons bearing Mahila P.S. Case No. 05 of 2022. He further
submits that the allegation as alleged in the F.I.R. Mahila P.S. Case



No. 05 of 2022 is that the deceased has committed rape upon the petitioner and thereafter another F.I.R. has been instituted bearing Pothia P.S. Case No. 70 of 2023 filed by the brother of the petitioner against the family member of the deceased. He further submits that except the suspicion, no other cogent material as come during the investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner has filed the case against the deceased and others. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the petitioner was recorded in Paragraph No. 180 of the case diary in which she has categorically stated that other co-accused persons have committed murder of the deceased and in her confessional statement she has also stated that she has called the victim and the C.D.R. report suggests that the petitioner was in touch with the victim.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Chief Judicial Magistrate, Kishanganj, in connection with Pothia P.S. Case No.



71 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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