

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46603 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- LAUKARIA District- West Champaran

NANDANI KUMARI @ NANDANI GUPTA D/O LATE ASHOK SAH @
ASHOK GUPTA RESIDENT OF VILLAGE UHMAT COMPOUND
RAMNAGAR, P.S. RAMNAGAR, DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Laukariya
P.S. Case No. 45 of 2022 registered for the offence under Sections
302, 201 and 34 of the Indian Penal Code.

The instant F.I.R. is based on recovery of a dead body in
beheaded condition near the Narayanpur Buniyadi Pool.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be own sister of the deceased and
merely on the basis of suspicion, she has been made accused in
this case. He further submits that it is apparent from the F.I.R.
itself that no accusation is attributed to the petitioner. He further



submits that there is no eye witness to the alleged occurrence. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Munna Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.04.2023 passed in Cr. Misc. No. 56854 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner, who is married lady, was having love affairs with the co-accused, Sudhir Mishra and the deceased used to oppose their illicit relationship with the co-accused, Sudhir Mishra on account thereof the petitioner along with the co-accused committed murder of her own brother. He further submits that on the basis of confessional statement of the co-accused, blood stained cloth of the deceased and Bakua which was used in murder of the deceased has been received.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bagaha, West Champaran in connection with Laukariaya P.S. Case No. 45 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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