

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47340 of 2023**

Arising Out of PS. Case No.-22 Year-2023 Thana- MUZAFFARPUR (R.T) District-
Muzaffarpur

RIYA KUMARI @ KALPNA SINGH Daughter of Mitesh Kumar Gautam
Resident of Village-Singaila Shankar Tola, Motipur Ward No-08, P.S.-
Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Jyotsna Rani Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 3 14-09-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 02.02.2023 seeks bail, in connection with S. Tr. No.518/2023, arising out of Rail (Muzaffarpur) P.S. Case No.22/2023, dated 21.01.2023, for the offences punishable under Sections 302, 201 & 34 of the IPC.
3. According to prosecution case, the petitioner along with other co-accused persons are alleged to have killed the deceased and thrown the dead body of the deceased on a railway track to conceal the evidence.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of the statement of the deceased's sister namely Jyoti Kumari, who produced the whats app chat of the petitioner and except the whats app chat of the petitioner with the deceased, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it has come during investigation that the deceased has gone towards the railway track alone and the police after investigation submitted the charge sheet against the petitioner on 30.04.2023 and the petitioner is in custody since 02.02.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph 43 and 54 of the case diary that the victim/deceased has regularly call to the petitioner but she has not received the call of the victim/deceased.

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 Additional Sessions Judge-II, Muzaffarpur in connection with S. Tr. No.518/2023, arising out of Rail (Muzaffarpur) P.S. Case No.22/2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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