

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47596 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- RUPASPUR District- Patna

Mamta @ Mamta Kumari @ Pinki @ Pinki Devi Wife Of Chhotan Singh @
Chhotan Kumar R/O-Samsara, Sadisopur, P.S.-BIHTA, Distt.-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 02.05.2023 in connection with Rupaspur P.S. Case No. 311 of 2023, F.I.R. dated 27.04.2023 for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, all the named accused persons have threatened the informant to kill his son and on 27.04.2023 in the evening his son was shot dead near Chhulhuchak. The informant suspects that these accused persons in conspiracy have murdered his son.

5. Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it has come during investigation in the case diary that the co-accused, namely, Chhotan Singh has confessed and he has stated that the co-accused Golu Kumar and Harsh @ Sunny Kumar have fired upon the victim. Thereafter, the confessional statement of the petitioner was recorded in which she has also confessed her guilt in the present occurrence. He further submits that the prosecution have seen the CCTV footage which transpired that the petitioner was sitting in a car along with other co-accused persons and from perusal of the CCTV footage it appears that there is no acquisition of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet on 26.07.2023 against the petitioner. The petitioner is in custody since 02.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Chief Judicial Magistrate 1st , Danapur, Patna in connection with Rupaspur P.S. Case No. 311 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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