

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52191 of 2023

Arising Out of PS. Case No.-390 Year-2021 Thana- KESARIA District- East Champaran

Rajpati Devi Wife Of Banka Sahani R/O-Fultakiya, P.S.-KESARIYA, Distt.-
EAST Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.05.2023 in connection with Kesariya P.S. Case No. 390 of 2021, F.I.R. dated 08.11.2021 for the offences punishable under Section 302/120B of the Indian Penal Code.

3. According to prosecution case, the brother of the informant was doing transport business and he was owner of a truck. The daughter of the petitioner was residing with her. When the brother of the informant returned back after selling truck, he got the information that her brother was found hanging on the tree.

4. 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



allegations as alleged in the F.I.R. are false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. The informant is not an eye witness of the alleged occurrence. He further submits that on the basis of suspicion the petitioner and her entire family members have been implicated in the present false and fabricated case and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused Lalita Devi who is the wife of the deceased has been granted bail by order dated 06.09.2022 in Cr. Misc. No. 28394 of 2022, and another co-accused person namely Banka Sahni who is father-in-law of the deceased has been granted bail by order dated 21.09.2022 in Cr. Misc. No. 36633 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and petitioner is in custody since 08.05.2023.

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

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 J.M – Ist



Class, Sadar Motihari, East Champaran, in connection with Kesariya P.S. Case No. 390 of 2021, 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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